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THE  
LAW REPORTS.

Gt. Brit. Land registry

LAND TRANSFER RULES AND FEE  
ORDER, 1903.



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# STATUTORY RULES AND ORDERS, 1903.

No. 1080.  
L. 24

## LAND, ENGLAND.

### Registration.

THE LAND TRANSFER FEE ORDER, 1903, DATED DECEMBER 18, 1903, MADE IN PURSUANCE OF SECTION 112 OF THE LAND TRANSFER ACT, 1875, AND OF SECTION 22 OF THE LAND TRANSFER ACT, 1897,\* WITH THE CONSENT OF THE TREASURY, IN SUBSTITUTION FOR THE FEES NOW PAYABLE.

Subject to the Rules hereinafter contained, the following fees shall be charged for the several matters hereunder specified.

(A.) Entry of first proprietorship of land with a possessory title, except as in paragraph (C); registration of charges, and transfers of land, (except as in paragraph (C), and not being by way of partition or exchange), made for valuable consideration other than marriage; and removal of land from the Register:—

Value of Land or Amount of Charge.	Fee.
Not exceeding £1,000      ...      ...	1s. 6d. for every £25 or part of £25.
Exceeding £1,000 and not exceeding £3,000.	£3 for the first £1,000, and 1s. for every £25, or part of £25, over £1,000.
Exceeding £3,000 and not exceeding £10,000.	£7 for the first £3,000, and 1s. for every £50, or part of £50, over £3,000.
Exceeding £10,000      ...      ...      ...	£14 for the first £10,000, and 1s. for every £100 or part of £100, over £10,000, up to a maximum of £25 for £32,000.

(B.) Registration of transmissions, and of transfers not falling within paragraphs (A) or (C), and of charges by way of additional or substituted security; rectification of the register under the 95th Section of the Act of 1875; and entries and corrections under Rules 151, 155 to 157, and 174:—1s. per £100, or part of £100, of the capital value of the interest dealt with; with a maximum of £2.

\* An explanatory memorandum as to the changes in fees introduced by this Order is published.

[Price 1d.]

(C.) Entry of first proprietorship of leasehold land, where the original lessee or his personal representative is the applicant, with possessory title or good leasehold title; entry of first proprietorship of freehold land with a possessory title on the occasion of a grant, wholly or partly in consideration of a rent; and registration of the transferee on a transfer of freehold land on a like occasion:—

(a.) In respect of the average rent, 2s. for every £10, or part of £10, a year.

(b.) In respect of the money payment or premium (if any), the same fee on its amount as is prescribed for a transfer under paragraph (A.).

Provided that no greater fee than £10 be payable in any case.

(D.) Entry of a notice, under Section 50 of the Land Transfer Act, 1875, of a lease or sub-lease by way of security for money actually advanced or to be advanced; the same fee as that for registration of a charge for the amount secured: except where a charge is also delivered at the same time in respect of the same advance, in which case the fee for entry of such notice shall be 1s. per £100, or part of £100, of the amount secured, with a maximum of ten shillings.

(E.) Entry of first proprietorship of land with an absolute title, good leasehold title, or qualified title, except as provided in paragraph (C):—

Three times the fee prescribed for registration of a possessory title, with a minimum fee of £3.

(F.) Registration of proprietorship of an incumbrance prior to registration, except where registered on the entry of first proprietorship of land with an absolute title, good leasehold title, or qualified title; and of a transfer or transmission thereof:—

The same fee as for registration of a charge, or of a transfer or transmission thereof respectively.

(G.) A Land Certificate or Certificate of Charge, except where required by the Acts or Rules to be issued free of charge:—

Where the value of land or charge

	£	s.	d.
does not exceed £1,000 ... ..	0	10	0
exceeds £1,000 ... ..	1	0	0

and in either case such further fee as the Registrar shall authorize for copies of plans.

(H.) Altering a Land Certificate or Certificate of Charge to correspond with the Register, except where such alteration

is required by the Acts or Rules to be made free of charge, or is made at the same time as some entry in the Register:—

Where the value of the land or charge

	£	s.	d.
does not exceed £1,000 ... ..	0	5	0
exceeds £1,000 ... ..	0	10	0

and in either case such further fee as the Registrar shall authorize for altering or preparing copies of plans.

(I.)	£	s.	d.
(1.) Registering an inhibition ... ..	1	0	0
(2.) Alteration or withdrawal of an inhibition	0	10	0
(3.) Registering a caution, restriction, or priority notice ... ..	0	10	0
(4.) Alteration or withdrawal of a caution, or restriction ... ..	0	5	0
(5.) Annexing conditions to land ... ..	0	5	0
(6.) Discharging or altering conditions ...	0	5	0
(7.) Entering notice of an estate in dower or by the curtesy ... ..	0	5	0
(8.) Entering a note or notice under the 18th Section of the Act of 1875 ... ..	0	5	0
(9.) An entry negating or altering implied covenants, powers, priorities, &c. ...	0	5	0
(10.) Filing a supplementary statement of in- cumbrances ... ..	0	5	0
(11.) Entering notice of a lease or sub-lease (not being a lease or sub-lease by way of security for money) ... ..	0	5	0
(12.) Any entry or cancellation on the Register for which the Registrar considers a fee should be chargeable and for which no other fee is provided ... ..	0	5	0
(13.) Entering an additional address for service	0	2	6
(14.) Entering notice of deposit or intended deposit of a Certificate ... ..	0	1	0
(J.)			
(1.) Preparing or settling a statement for the Court ... ..	0	10	0
(2.) Examination of a married woman by an officer of the Registry ... ..	0	10	0
(3.) Comparing abstracts with deeds by officers of the Registry—per hour ... ..	0	10	0

## (4.) Certificate of result of official search:—

	£	s.	d.
(a) of the Register—per title ... ..	0	5	0
(b) of the index of proprietors' names— per name ... ..	0	5	0
(c) of the index map ... ..	0	5	0
and if the land in respect of which the search is made exceeds an acre ... ..	Such further fee, according to the time and labour employed, as the Registrar shall authorize.		
(5.) Furnishing information under Rule 286...	0	5	0
(6.) A Summons ... ..	0	5	0
(7.) Inspection of any document not referred to on the Register ... ..	0	5	0
(8.) Taking an affidavit or declaration ...	0	1	6
(9.) Each exhibit thereto ... ..	0	1	0
(10.) Office copies—per folio ... ..	0	0	3
(11.) Copies of plans ...	Such charges, according to time and labour em- ployed, as the Registrar shall authorize.		

## RULES.

1. All fees, the amount of which is immediately ascertainable, shall be paid on the delivery of the application.

2. Where the amount of a fee is not immediately ascertainable, or where expenses for advertisements or otherwise will be incurred by the registry, such deposit on account shall be made as the Registrar shall require.

3. All fees shall be paid in Land Registry stamps, impressed or adhesive, as laid down in the order in that behalf made under the Public Offices Fees Act, 1879. Land Registry stamps shall be purchasable in the Registry, and may be paid for by bankers' draft or by postal or post office order or by cheque drawn to the order of The Land Registry or The Registrar or Assistant Registrar, or in Bank of England notes or cash. Provided that when the fees are paid by cheque the registration shall not be completed until due time has been allowed for the cheque to be cleared, and that if the cheque is not honoured, the application for registration shall be cancelled and the document tendered for registration returned to the applicant. Remittances by post not exceeding 1s. may be made in postage stamps.

4. The above fees include, in the matters to which they relate, all necessary stationery and mapping done in the Registry; the preparation, issue, endorsement, and deposit of certificates,

wherever such issue, endorsement, or deposit is obligatory; discharges of incumbrances; the filing of auxiliary documents (if any); and all other necessary costs of and incidental to the completion of each registration or transaction. They also include, in districts where registration of title is compulsory, any surveying that may be necessary to enable the land to be identified on the ordnance map.

5. Where a first registration takes place on the enfranchisement of a copyhold, or on the purchase of a leasehold by the reversioner, or of a reversion by the leaseholder, or where a mortgagee purchases the equity of redemption, or on any other like occasion, the fee may, if the Registrar shall think fit, be calculated on the value of the interest last acquired, and not upon the value of the applicants' combined interests in the land. In such case no entry of value need be made in the register.

6. Where a disposition is delivered for registration on the day on which an application for the first registration of the land is delivered, no fee shall be payable in respect thereof. If it is delivered subsequently, but within 7 days after the application to register the land is delivered, the fee shall be calculated under paragraph (B).

7. On an application for registration with an absolute title of land in a district where registration is compulsory on sale, the land being already registered or in course of registration with a possessory title, and the applicant being a purchaser on sale:—

(a.) A portion of the fees prescribed by paragraph (E) shall, at the request of the applicant, and unless the Registrar in his discretion determines the contrary, be deferred as hereinafter provided.

(b.) The following sums shall in any event be paid on the delivery of the application, namely:—

Where the value of the land does

not exceed £1,000 ... .. £2

Where the value exceeds £1,000 £2 for the first  
£1,000, and  
£1 for every  
£1,000 or part  
of £1,000 up  
to a maxi-  
mum of £33  
for over  
£31,000.

Provided that where the fee payable under this paragraph becomes chargeable within 14 days after the payment of any other fee (except a fee for first registration with possessory title) the lesser of the two fees shall be allowed for or remitted as the case may be.

- (c.) The remainder of the fee shall be noted on the register as deferred, and so long as any part thereof is unpaid, the fees for registration of transfers for value and charges shall be increased by one-half—the amount of the increase in each case being applied in reduction of the deferred fee.

Provided that where the value of the land does not exceed £1,000, and a Building Society, Friendly Society, or Industrial and Provident Society has, before the title is made absolute, advanced not less than half the value of the land on the security of a registered charge, the deferred fee shall be remitted.

- (d.) The registered proprietor may at any time, if he wishes, pay off wholly, or in part, the amount of the deferred fee for the time being remaining unpaid.
- (e.) The fees of conveyancing counsel and any costs or expenses incurred by the Registry on the application shall be borne by the Registry.
- (f.) Where an application for registration with absolute title is wholly refused, the following sums shall be retained by the Registry, but the remainder of the fees paid shall be returned to the applicant:—

Value of the Land.	Sums to be retained.
Not exceeding £1,000     ...     ...     ...     ...	£   s.   d. 0   5   0
Exceeding £1,000 and not exceeding £10,000	0   10   0
Exceeding £10,000     ...     ...     ...     ...	1   0   0

- (g.) No fee shall be charged in respect of any application delivered while the application for absolute title is pending.

8. Where an application for first registration with absolute title, to which Rule 7 does not apply, is altogether refused, or where an application for registration with absolute title is completed with a qualified or good leasehold title, such abatement (if any) in the fee may be made as the Registrar may deem reasonable in the circumstances of the case.

9. The fees payable in respect of any matter involving an enquiry into title are, except where herein otherwise provided, exclusive of the fees of counsel and of any costs or expenses incurred by the Registry in regard to the matter.

10. Where land, already registered with a possessory title, is to be registered with a qualified good leasehold or absolute title; or where land, already registered with a qualified or

good leasehold title, is to be registered with an absolute title, the Registrar may make such abatement (if any) in the fee as he shall deem reasonable.

11. The fee for an entry (except the entry of a notice of deposit or intended deposit) in, or withdrawal from, the Register affecting several titles whereof the same person is registered as proprietor shall be the same as for an application respecting one title only. In other cases an extra fee of 2s. 6d. shall be charged for every title affected after the first.

12. Where a transfer for value and a charge by the transferee are registered together only half the usual fee shall be paid in respect of the charge.

13. The fee for first registration of leasehold land shall include the entry of a notice of the lease against the lessor's title, if registered.

14. Where a transfer of freehold land in consideration of a rent, or a transfer by which mines and minerals are dealt with separately, is registered, the fee shall not include the registration of the proprietor of the rent, or of the severed land or mines and minerals respectively, as the case may be, for which a separate fee shall be payable as on a transfer of land.

15. No fee shall be payable for any entry of, or in respect of a caution, inhibition, restriction, condition, note, or notice of any kind by the Acts or Rules made necessary on (a) the first registration of land, or (b) any registration for which an *ad valorem* fee is payable.

16. The amount of an average rent for the purposes of this order shall be ascertained in the same manner as for the purposes of Inland Revenue Stamp Duty.

17. Where an instrument or application affecting two or more titles or charges is registered as to some or one only of the titles or charges affected thereby, the fee payable shall be the same as that which would have been payable if it had been registered as to all the titles or charges affected by it. If the instrument or application is afterwards registered as to any other titles or charges a further fee of 2s. 6d. shall be paid for every title or charge so affected.

18. Where a charge or incumbrance is also secured on unregistered land or other property as well as registered land, the amount of the charge shall for the purpose of this order be reduced to the sum which bears the same proportion to the whole sum secured that the value of the registered land bears to the value of the whole security.

19. The fee on a charge by way of additional or substituted security shall not exceed that upon a charge for a sum equal to the value of the land after deducting the amount secured on it by registered charges at the date of the registration of the additional or substituted charge.



20. The word "land" includes both freehold and leasehold land, and every hereditament the title to which may be registered under the Land Transfer Acts.

21. Where boundaries are to be noted on the Register as "accurately defined," such additional charges may be made to cover the cost of the necessary inquiries, mapping, surveying, and notices as the Registrar shall in each case deem reasonable.

22. Where land is transferred for valuable consideration other than marriage, subject to a registered incumbrance or charge, the fee payable shall be calculated on the amount of the purchase-money, or, where the consideration given is not money, on the value of the equity of redemption.

23. Where land subject to a registered charge or incumbrance is transferred discharged from the charge or incumbrance, and a new charge in favour of the proprietor of the old charge or incumbrance is delivered on the same day as the transfer, the fee payable on the registration of the transfer shall be calculated on the consideration expressed to be paid in the transfer after deducting the amount of the new charge or charges.

24. Where, on the cessation of a charge, a new charge is delivered in favour of the proprietor of the former charge, the fee payable on the new charge, in so far as its amount does not exceed the former charge, shall be calculated at the rate stated in paragraph (B).

25. When two or more Rules allowing abatement of fees are applicable to the same case, their effect shall not be cumulative, but the applicant may elect which one of them shall be applied.

26. This Order may be cited as The Land Transfer Fee Order, 1903, and shall come into operation on the first day of January, 1904.

Dated this 18th day of December, 1903.

*Halsbury, C.*

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# STATUTORY RULES AND ORDERS, 1903.

No. 1081.  
L. 25

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## LAND, ENGLAND.

### Registration.

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THE LAND TRANSFER RULES 1903. DATED DECEMBER 18, 1903, MADE IN PURSUANCE OF SECTION 111 OF THE LAND TRANSFER ACT, 1875, AND SECTION 22 OF THE LAND TRANSFER ACT, 1897.\*

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#### *Epitome.*

The Rules (after a preliminary interpretation rule) are divided into five parts.

Part I. prescribes that the Register is to be kept in three divisions, one describing the property registered, the next naming the proprietor, and the third containing charges and incumbrances. This arrangement is almost universal in registers of this kind. There are also to be a map index showing all registered land, and an index of proprietors' names. The former, but not the latter, is to be open to general public inspection.

Part II. corresponds generally to Part I. of the Act of 1875, and ancillary sections in the latter portions of that Act. It deals with the first entry of land on the register, taking possessory title first (Rules 18 to 29), then absolute title (Rules 30 to 48), and then qualified title (Rule 49). A possessory title—to which the compulsory provisions refer—may be registered on production of any document conferring title on the applicant, or a statutory declaration by the applicant or his solicitor, stating that he is entitled to the land. In either case sufficient particulars must be furnished to enable the land to be identified on the ordnance map. Any necessary surveying for this purpose is to be done by the Land Registry surveyors free of charge (Rule 277). Variations follow (Rules 50 to 67) for the case of leasehold land, the principal of which is Rule 51 requiring the lease to be produced as well as the other usual evidence. This heading also includes (Rules 52 to 60 and 65 to 67) important modifications of sections 11 to 16, 34, 36, and 37 of the Act of 1875, made under a special power contained in section 22 (6) (b) of the Act of 1897, for assimilating the mode of registering leasehold and freehold titles. In Rules 68 to 70 compulsory registration is applied to the grant of leases and dealings with leasehold land held under leases having not less than two lives to fall in or 40 years still to run. These Rules are also made under a special power in section 22 (6) (g) of the Act of 1897, as limited by section 24 of the same Act. Then follow (Rules 71 to 77) variations for the registration of special classes of hereditaments, such as manors, advowsons, rents, mines, &c., under section 82 of the Act of 1875, and partial interests such as cellars, flats, and undivided shares; also (Rules 78 to 82) variations for the case of settled

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\* An explanatory memorandum as to the changes in practice introduced by these Rules is published.

[Price 6d.]

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land under sections 68 and 69 of the Act of 1875, and section 6 of the Act of 1897 (Rules 78 to 82) provisions regulating the registration of Charity Lands; and (Rule 87) a provision as to intermixed freeholds and copyholds under section 67 of the Act of 1875. Cautions against the entry of land on the register (Rules 88 to 94) and Priority Notices (Rule 95) are also included in this part, and a provision (Rule 96) intended to remove a difficulty arising in districts where registration of title is compulsory, on the wording of section 20 (1) of the Act of 1897, in respect to the vesting of the legal estate where a mortgage or subsale takes place immediately after a conveyance on sale, and before the purchaser has been registered as proprietor of the land.

Part III. of the Rules corresponds more or less with Part II. of the Act of 1875: dealing with registered transfers of land, charges, transfers of charges and transmissions on death and bankruptcy. Some general provisions (Rules 97 to 125) applicable to all classes of transactions in the registry are placed at the beginning of the part, and should be studied; especially Rules 107 to 110 as to execution and attestation, and Rules 111, 112, 113 as to delivery at the Registry for registration, and as to priority. This part includes (Rules 139 to 143) further adaptations of the Act of 1875 assimilating registered dealings with leaseholds to the like dealings with freeholds, under the special power in section 22 (6) (b) of the Act of 1897: also detailed provision for various classes of transfers of comparatively rare occurrence. The Rules applicable to ordinary cases will be found at the beginning of each heading. Rules 175 to 181 are made under a special power contained in section 22 (6) (c) for adapting to submortgages and to incumbrances prior to registration the provisions of the Act of 1875 with regard to charges. The Rules as to transmission on death (183 to 192) include provisions as to settlements and settled land. They are also supplemented by Rules 208 to 211 (in the next part) as to notices of liability to death duties.

Part IV. corresponds with portions of Part III. of the Act of 1875, and carries out certain provisions of sections 18, 19, 20, 83 and 84 of the same Act, and of sections 13, 15, 22 (6) (f) and (h) of the Act of 1897. It comprises, in short, every authorised entry in the register which does not amount to a transfer, charge, transfer of charge, or transmission of proprietorship, *e.g.*, notices of leases, death duties, restrictive conditions as to user, cautions, inhibitions and restrictions, and the creation of liens by deposit of certificates.

In Part V. matters incidental to the system, but not usually involving entries on the register, are dealt with. The most important of these are Rules 258 to 268 as to land certificates and certificates of charge; Rules 269 to 282 as to maps, and the mode of describing land and boundaries on the register, including the exact ascertainment of property boundaries; Rules 284 to 295 as to searches, including official searches, and searches by telegraph; Rules 296 to 312 as to appeals from the Registrar and applications to the Court—which are all to be referred to the Senior Judge of the Chancery Division in person; and Rule 336 regulating solicitors' costs for applications and transactions relating to registered land according to an *ad valorem* scale, and Rule 344 fixing the commencement of the Rules for 1st January, 1904.

The Rules are made under the power contained in section 111 of the Land Transfer Act, 1875 (as modified by section 22 (2) (6) and (7) of the Land Transfer Act, 1897), to make Rules for the purpose of carrying the Acts into execution.

Any Rules so made are to be deemed to be within the powers conferred by the Acts, and are to be of the same force as if enacted in the Acts. (Act of 1875, sect. 111 (7).)

Rules are to be laid before Parliament (if sitting) within three weeks after they are made, or (if not) within three weeks of the beginning of the next session (sect. 111). Being made by the Lord Chancellor, they also come within the operation of the Rules Publication Act, 1893 (56 & 57 Vict. c. 66), under sect. 1 of which Act notice of the proposal to make them, and of the place where copies of the drafts are to be obtained, must be published in the *Gazette* forty days before they are made.

All existing Rules made under the same power (except a special set of Rules made in 1892 applicable to Small Holdings created under the Small Holdings Act of that year) are rescinded (Rule 344)—the present Rules incorporating the rescinded rules, with alterations. A separate Memorandum is published shewing the alterations made, and giving the corresponding numbers of the new and old Rules. There will also remain two Rules (made on the 1st of January, 1876 and the 29th of December, 1897) under section 126 of the Act of 1875 as to the transfer of titles from the register kept under the Land Registry Act, 1862 (Lord Westbury's Act) to the register kept under the Land Transfer Acts. The fees are provided for in a separate order under section 112 of the Act of 1875.

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**LAND REGISTRY.**

**LAND TRANSFER ACTS, 1875 AND 1897.**

*General Rules.*

I, the Right Honourable Hardinge Stanley, Earl of Halsbury, Lord High Chancellor of Great Britain, with the advice and assistance of the Honourable Sir Arthur Kekewich, a Judge of the Chancery Division of the High Court of Justice, Charles Fortescue Brickdale, Esq., Registrar of the Land Registry, Sir Howard Warburton Elphinstone, Bart., Barrister-at-Law, chosen by the General Council of the Bar, James William Clark, Esq., Barrister-at-Law, chosen by the Board of Agriculture, and William Melmoth Walters, Esq., Solicitor, chosen

by the Council of the Incorporated Law Society, by virtue and in pursuance of the Land Transfer Acts, 1875 and 1897, and of all other powers and authorities enabling in that behalf, do make the following General Rules for the purpose of carrying the said Acts into execution.

Dated this 18th day of December, 1903.

*Halsbury, C.*

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*Interpretation.*

1. (1.) In these Rules "the Act of 1875" and "the Act of 1897" mean the Land Transfer Acts of those years respectively, and "the Acts" has a corresponding meaning.

(2.) The Interpretation Act, 1889, is to apply for the purpose of the interpretation of these rules, as it applies for the purpose of the interpretation of an Act of Parliament, except so far as it may be inconsistent with the Acts or these Rules.

Unless there is something inconsistent in the context or in the Acts:—

(3.) "Land Charge" means a rent or annuity or principal moneys payable by instalments, or otherwise, with or without interest, charged (whether upon the application of any person or not) otherwise than by deed, upon land, under the provisions of any Act of Parliament for securing to any person either the moneys spent by him or the costs, charges, and expenses incurred by him under such Act, or the moneys advanced by him for repaying the moneys spent, or the costs, charges, and expenses incurred by another person under the authority of an Act of Parliament; and a charge under the thirty-fifth section of the Land Drainage Act, 1861, or under the twenty-ninth section of the Agricultural Holdings (England) Act, 1883; but does not include a rate or scot.

(4.) "Land Certificate" includes "office copy of a registered lease."

(5.) "Mines and Minerals" include rights of entry, search, and user, and other rights and reservations incidental to, or required for the purpose of giving full effect to, the enjoyment of rights to mines and minerals, or of property in mines and minerals.

(6.) "Statutory declaration" includes affidavit.

(7.) "The Remuneration Order, 1882," means the general order made in pursuance of the Solicitors' Remuneration Act, 1881.

(8.) Where reference is made to the solicitor of a person making an application or otherwise concerned with the register, the authority of the solicitor for the particular purpose shall, if required, be established to the satisfaction of the Registrar.

(9.) The expressions "tenant for life," "settled land," "settlement," and "trustees of the settlement" have the same meaning as in the Settled Land Acts, 1882 to 1890.

## PART I.

### THE REGISTER.

2. The Register shall consist of three portions, called the Property Register, the Proprietorship Register, and the Charges Register. In the case of corporeal hereditaments, a plan of the land shall be filed in the Registry. The title to each registered property shall bear a distinguishing number.

3. The Property Register shall contain the description of the land comprised in the title, with a reference to the filed plan thereof, and such notes as have to be entered relating to the ownership of the mines and minerals; to exemption from any of the liabilities, rights, and interests mentioned in section 18 of the Act of 1875, as amended by the Act of 1897; to easements, rights to profits à prendre, conditions and covenants for the benefit of the land, and other like matters.

4. When pieces of land are added to or are removed from the property, the addition or removal shall, where it is practicable, be noted in the Property Register, and marked upon the filed plan.

5. In the case of leasehold land there shall be entered in the Property Register a reference to the registered lease, and such particulars of the lease, and of the exceptions or reservations therefrom (if any) as the applicant may desire, and the Registrar approve; and a reference to the lessor's title, if registered.

6. The Proprietorship Register shall state the nature of the title, and shall contain the name, address, and description of the proprietor of the land, and cautions, inhibitions, and restrictions affecting his right of disposing thereof.

7. The Charges Register shall contain, as well incumbrances prior to registration, as also subsequent charges, and other incumbrances (including notices of leases and of estates in dower or by the curtesy), and such notes as have to be entered relating to covenants, conditions, and other rights

adversely affecting the land: and shall also contain all such dealings with registered charges and incumbrances as are capable of registration.

8. Charges and other incumbrances may, if the Registrar thinks fit, be entered in a separate book, and if so entered shall be referred to in the Charges Register. Subsequent dealings therewith shall be registered by being entered in the book wherein the charge or incumbrance is registered.

9. In districts where registration of title is compulsory the Register shall be bound in volumes, according to parishes: and where land comprised in one title lies in more than one parish, the proprietor may determine under which parish the title shall be registered. An extra parochial place may be treated as a separate parish having its own volume of the Register, or may be treated as part of any of the adjoining parishes, as the Registrar may in each case deem most convenient.

10. When there are several entries in the Register affecting portions of the land comprised in a title or charge, a plan may be made, showing the portions affected by each entry, and such plan may be referred to in the Register.

11. Any landowner who desires it may have the Register of his title bound in a separate volume, on such terms (if any) as the Registrar may think fit.

12. There shall be kept in the Registry an Index Map which shall show the position and extent of every registered property by means of a tint of colour, together with the number of the title under which it was first registered. A separate Index Map shall be made of leasehold titles, and of lands affected by the registration of incorporeal hereditaments.

There shall also be kept an Index of proprietors' names in alphabetical order, showing the numbers of the titles, charges, or incumbrances of which the several persons appearing in it are proprietors. It shall be kept up to date by cancelling the obsolete names and numbers, as well as by making all necessary additions from day to day.

13. A list shall also be kept of pending applications to enter land in the Register, showing the parish or place, the name of the applicant, and the number of the application in each case.

14. The Index Maps, and the list of pending applications (but no other book, map, plan, or document) shall be open to general public inspection, at any time during office hours. The Index of proprietors' names shall be open to the inspection of the registered proprietors only. Provided that if any person shall satisfy the Registrar that he is interested generally in the property of any proprietor—for instance, as his trustee in bankruptcy, or his executor or administrator—he may inspect that Index also.

15. Where any clerical error or error of a like nature is discovered in the Register, or in any plan or document referred to therein, which can be corrected without detriment to any registered interest, the Registrar may (if he thinks fit, and after giving any notices, and calling for any evidence or obtaining any assent he may deem proper) cause the necessary correction to be made.

16. Where it is proved to the satisfaction of the Registrar that the whole of the land comprised in a title, or too large a part to be properly dealt with under Rule 15, has been registered in error, the Registrar may enter notice of the fact in the register, and he may either (a) with the consent of the registered proprietor and of all other persons appearing by the register to be interested in the land, or (b) after such inquiry and such notices, if any, as he may consider proper, and upon the production of such evidence as he may deem necessary, annul the registration wholly or to the extent required.

17. The Registrar may, at any time, after such inquiry and notices, if any, as he may consider proper, and upon the production of such evidence as is required by these Rules or as he may deem necessary, withdraw from the Register by cancellation or otherwise any lease, incumbrance, charge, note, notice, or other entry, which he is satisfied has determined, or ceased, or been discharged, or for any other reason no longer affects or relates to registered land.

## PART II.

### FIRST REGISTRATION.

#### *Possessory Title.*

18. Application for registration with a possessory title shall be made by delivering at the Registry a written application to the effect of Form 1 in the First Schedule hereto, accompanied by either

- (a.) A deed or other document conferring on the applicant a title under which an application for registration as first proprietor of land can be made; or
- (b.) A statutory declaration by the applicant or his solicitor in Form 2 in the First Schedule hereto, or to the like effect.

The application shall in either case contain or be accompanied by sufficient particulars, by plan or otherwise, to enable the land to be fully identified on the Ordnance map.

In cases under paragraph (a) where the accompanying document of title is a probate, letters of administration, order of court, or other document of record, and in all cases under

paragraph (b), the application shall also be accompanied by the latest document of title other than a document of record in the possession or under the control of the applicant.

If the application is for registration in the name of a nominee, or is made by a purchaser, the consent in writing of the nominee, or of the vendor or his solicitor, shall also be left with the application.

**19.** It shall not be necessary to state in the application whether the property is subject to any, or, if any, what, incumbrances, conditions, or other burdens; but a statement in writing as to the incumbrances, conditions, or other burdens affecting the land at the date of the first registration thereof may be made on the first registration of the land as part of the application by the applicant or his solicitor, or subsequently by the proprietor or his solicitor, and, if made, shall be filed and referred to in the register. Supplemental statements showing that such incumbrances, conditions, or burdens, or any of them, have been discharged or modified may be similarly made and filed at any time after the filing of the original statement.

**20.** No particulars of the incumbrances, conditions, or burdens shall be entered on the register, but an entry shall be made that a statement or supplemental statement has been filed. Copies or abstracts of or extracts from the documents referred to in any statement or supplemental statement may be filed therewith.

**21.** The applicant's title will not be investigated by the Registrar, and registration will not affect, or prejudice the enforcement of, any estate right or interest adverse to or in derogation of the title of the first registered proprietor, and subsisting or capable of arising at the time of registration of such proprietor, whether such estate, right or interest appears in the register or not.

**22.** Applications delivered at the Registry shall be entered in a book in the order in which they are delivered, and shall be numbered accordingly. The plans and entries for the register shall be prepared in the Registry and shall, unless the Registrar shall think it unnecessary, be approved by the applicant or his solicitor. The registration in each case shall be completed as of the day on which and of the priority in which the application was delivered. The land certificate shall then be prepared and shall either be delivered to the applicant, or (if he prefers it) be deposited in the Registry.

**23.** The draft entries for the register approved by the applicant or his solicitor may, if the Registrar shall think fit, be accepted in lieu of an application in Form 1 in the First Schedule hereto.

**24.** If a deed or other document of title is delivered with the application, it shall be marked with notice of the registration

and with the number of the title, and shall at the applicant's option either be retained in the Registry, or be delivered to him. In the latter case a copy or sufficient abstract thereof for filing shall be furnished by him, if required.

25. Where the deeds produced to be marked under Section 72 of the Act of 1875 are numerous, the Registrar may act upon a statutory declaration by the solicitor of the applicant to the effect that all the lands included in the application are dealt with by the deeds produced, and that the deeds produced are all the deeds necessary to be marked, for the purposes of that section, in order to give notice to any person dealing with the land of the fact of registration.

26. If in any case it is proved to the satisfaction of the Registrar by the statutory declaration of the applicant's solicitor, or otherwise, that any document of title required to be marked under that section cannot be produced, the Registrar may complete the registration without such production.

27. No entry in the Charges Register shall be made except as provided by Rules 20 and 64, and except such entries as might be made at any time against an absolute title.

28. Where the land included in any application for registration is subject to the jurisdiction of the Middlesex or Yorkshire Registries of Deeds, the registration shall be deemed, for the purpose of removing the land from that jurisdiction, to have taken place at the beginning of the day on which the application is delivered at the Land Registry, and prior to any registration on that day of a memorial in the local Deed Registry.

29. Where the estate of the first registered proprietor is or may be subject to a restraint on alienation, the Registrar shall enter a restriction protecting any such restraint in such manner and form as he shall think fit.

#### *Absolute Title.*

30. Application for registration with an absolute title shall be made by delivering at the Registry a written application to the effect of Form 3 in the First Schedule hereto. Such application shall state the county and parish or place in which the land is situate, and the name of the estate, or other short particulars sufficient to identify it.

31. If the applicant for registration desires to annex conditions to the land under the provisions of Section 84 of the Act of 1875, as amended by the Act of 1897, such conditions shall be stated in or delivered with the application.

**32.** When the application is for registration in the name of a nominee, or is made by a purchaser, the consent in writing of the nominee, or of the vendor or his solicitor, shall be delivered with the application.

**33.** Where any land comprised in an application for registration is below high-water mark at ordinary spring tides, the fact shall be stated in the application, and the notices required by Section 66 of the Act of 1875 shall be prepared by the applicant and served through the Registry within seven days after the delivery of the application.

**34.** There shall also be delivered with the application an abstract of title in the usual form, together with all such deeds and documents relating to the title as the applicant has in his possession or under his control, including opinions of counsel, abstracts, contracts for or conditions of sale, requisitions, replies, and other like documents, in regard to the title; and also a list of the tenants and occupiers of the land. Any other documents required to be produced in support of the abstract shall also be delivered with the application, or shall be produced at a time and place appointed for the purpose. A schedule of all documents delivered at the Registry in support of the abstract shall be left with the documents.

**35.** All searches and inquiries which the Registrar shall consider necessary in the examination of, or in relation to, the title shall be made by such person and in such manner as the Registrar shall direct.

**36.** The title shall be examined by or under the superintendence of the Registrar in accordance with the usual conveyancing practice, subject as follows:—

(a.) The whole or any portion of the examination of the title may be referred by the Registrar, if he thinks fit, for the opinion of one of the Examiners of Title appointed under Rule 313, and the Registrar may act on such opinion.

(b.) When either (1) the land has been sold or purchased under an order of the Court, or (2) has been registered with a Possessory or Qualified Title for six years prior to the date of the application for registration with an Absolute Title, the first proprietor having been a purchaser on sale, or (3) when the title has been fully investigated before the date of the application, the examination may be modified in such manner as the Registrar may think fit.

**37.** An advertisement of the application shall be inserted at least once in the London Gazette, and shall also be inserted in such local or other newspaper or newspapers, for such number of times and at such intervals of time, as shall be fixed by the



Registrar in each case. The advertisement shall give the name and address of the applicant, the name (if any) and short description of the land, and the county and parish or place in which it is situate; and shall require objections (if any) to be made before the expiration of a stated period not less than two months from the appearance of the latest advertisement.

**38.** The fee for each such advertisement in the London Gazette shall be five shillings.

**39.** With a view to the saving of expense the advertisements of two or more applications may be grouped, if the Registrar approves: and the advertisement in the London Gazette shall be in the tabular form given in Form 4 in the First Schedule hereto.

**40.** The applicant shall furnish all information that the Registrar may require, and notices shall be served on the tenants and occupiers and such other persons (if any) as the Registrar shall deem necessary.

**41.** Any person may, by notice in writing, signed by himself or his solicitor and delivered at the Registry, object to the registration. Such notice shall state concisely the grounds of the objection and give the address in the United Kingdom of the person delivering the notice, and, if it is delivered by a solicitor, shall give the name and address of the person on whose behalf it is given.

**42.** The Registrar shall thereupon give notice to the applicant of the objection, and the title shall not be registered as absolute until the objection has been withdrawn or otherwise disposed of. The applicant may obtain an appointment before the Registrar for the hearing of any objection, and shall give the objector at least seven clear days' notice of such appointment. If the objector does not appear at the time appointed, his objection shall be treated as withdrawn unless the Registrar allows another appointment to be made. At the hearing of the objection any party may be heard in person or by his counsel or solicitor.

**43.** Where any person so objecting to registration desires to have any entry for his protection made in the Register, he shall proceed in the same manner as is directed with respect to applications made under Rule 215, unless the applicant for registration consents to the entry being made.

**44.** When all requisitions and objections (if any) have been disposed of, the proper entries for the Register shall be drawn by the Registrar and approved by the applicant or his solicitor; and at the expiration of the time fixed by the advertisements, and by any notices that may have been directed, and after the requirements of Sections 70 and 72 of the Act of 1875 have been complied with, the registration shall be completed:

and the documents of title, other than such as have under these Rules to be retained in the Registry, shall be delivered to the applicant.

45. The land certificate shall thereupon be prepared, and shall either be delivered to the proprietor, or, if he prefers it, be deposited in the Registry.

46. Incumbrances, conditions, and other burdens (including fee farm grants, or other grants reserving rents or services) to which the fee simple estate in the land may be subject, shall be entered in the Register in accordance with the title produced; and may be entered either directly, or by reference to the instruments by which they are created, or by setting out extracts therefrom.

47. The evidence to show that the requirements of Section 70 of the Act of 1875 have been complied with, shall be a statutory declaration in Form 5 in the First Schedule hereto.

48. If the Registrar is of opinion that an absolute title may be registered at the expiration of a certain period or on the occurrence of a particular event, he may file a note of the fact, and, on the expiration of that period, or on proof to his satisfaction of the occurrence of the event he may, if he think fit, register the title as absolute accordingly. In the meantime the title shall be registered in the then proper manner.

### *Qualified Title.*

49. If upon an application for an absolute title it appears to the Registrar, upon the examination of the title, that a qualified title only ought to be entered on the Register, and the applicant on being informed thereof requests in writing that such qualified title shall be entered, the Registrar shall frame the proper entries for the Register, and shall obtain the applicant's approval of them, and shall register the qualified title accordingly.

### *Leasehold Land.*

50. The provisions of the foregoing Rules, with regard to applications for registration of freehold land shall apply generally to applications for registration of leasehold land, and any necessary alteration in the forms shall be made accordingly.

51. The lease itself, if in the possession or under the control of the applicant, and in all other cases a copy or abstract, or other sufficient evidence of its contents, shall be delivered with the application.

**52.** Application may be made for the registration of leasehold land with absolute title, with good leasehold title, or with possessory title.

**53.** When an absolute title is required no person shall be registered as proprietor of leasehold land until and unless the title both to the leasehold and the freehold, and to any intermediate leasehold that may exist, is approved by the Registrar, and, when a good leasehold title is required, no person shall be registered as proprietor of leasehold land until and unless the title to the leasehold interest is approved by the Registrar.

**54.** Where the original lessee is registered as first proprietor, the title may be entered as a good leasehold title on his satisfying the Registrar that he has not incumbered or dealt with the land in any way except as disclosed, and no advertisement shall be necessary.

**55.** The effect of registration of a person as first proprietor of leasehold land with an absolute title shall be that stated in Section 13 of the Act of 1875 as the effect of registration with a declaration that the lessor had an absolute title to grant the lease under which the land is held.

**56.** The registration of a person as first proprietor of leasehold land with a good leasehold title shall not affect or prejudice the enforcement of any estate right or interest affecting or in derogation of the title of the lessor to grant the lease, but save as aforesaid shall have the same effect as registration with an absolute title.

**57.** The registration of a person as first proprietor of leasehold land with a possessory title shall not affect or prejudice the enforcement of any estate, right, or interest (whether in respect of the lessor's title or otherwise) adverse to or in derogation of the title of such first registered proprietor, and subsisting or capable of arising at the time of the registration of such proprietor; but, save as aforesaid, shall have the same effect as registration with an absolute title.

**58.** Where an absolute title or a good leasehold title to leasehold land is required, and on examination it appears to the Registrar that the title, either of the lessor to the reversion, or of the lessee to the lease, can be established only for a limited period, or subject to certain reservations, the Registrar may, upon the request in writing of the person applying to be registered, by an entry made in the register, except from the effect of registration any estate, right, or interest arising before a specified date, or arising under a specified instrument, or otherwise particularly described in the register, and a title registered subject to any such exception shall be called a qualified title.

**59.** The registration of a person as first proprietor of leasehold land with a qualified title shall not affect or prejudice

the enforcement of any estate, right, or interest appearing by the register to be excepted, but save as aforesaid shall have the same effect as registration with an absolute title.

**60.** Where any intermediate leasehold estate exists between the freehold reversion and the leasehold estate which is the subject of registration, the words "lessor" and "lease" in these Rules and in Sections 13 and 35 of the Act of 1875, shall be read as including, and also applying to, a sub-lessor and a sub-lease.

**61.** Where several leases are vested in the same proprietor, they may, on his application in writing, and with the approval of the Registrar, be registered under one number, or may be grouped under various numbers as may be considered most convenient for the purpose of saving expense and facilitating future transactions.

**62.** On the registration of any leasehold land held under a lease containing a prohibition against alienation without licence, all estates, rights, interests, powers, and remedies under such lease, arising upon, or by reason of, any alienation without licence shall be expressly excepted from the effect of registration.

**63.** Where a lease affecting land already registered is registered in pursuance of these Rules, notice of the registration thereof shall be given to the registered proprietor of the freehold land or of the superior lease out of which the lease is granted, as the case may be; and if no valid objection be made within 14 days after service of the notice, or if the registered proprietor of the freehold or of the superior lease consents in writing (by himself or his solicitor) to the application, the lease shall be noted against the title to the freehold or to the superior lease in the same manner as notices of leases have to be entered under Sections 50 and 51 of the Act of 1875, and these Rules.

**64.** Where, on the registration of freehold or leasehold land, it appears that there is a lease or sub-lease, as the case may be, already registered affecting the same land, a reference to such lease or sub-lease shall, if the Registrar so direct, be entered in the Charges Register.

**65.** The provisions as to land certificates of Section 10 of the Act of 1875, as amended by Section 8 of the Act of 1897, shall apply to leasehold land.

**66.** When a lease and a reversionary lease to take effect in possession upon, or at any time within one month after, the expiration of that lease, are so held that the beneficial interest under both instruments belongs to, or is in the power or under the control of the same person or persons, such leases, so far as they relate to lands comprised in both instruments, shall be deemed for the purposes of Section 11 of the Act of 1875 and of these Rules to create one continuous term.

**67.** The following portions of the Act of 1875, dealing with the registration of leasehold land, shall be deemed to have been omitted therefrom:

Section 11. From "with the addition" to the word "held" at the end of the paragraph, and from "every applicant" to "the registered lease."

Sections 12, 14, 15, 16. The whole.

Section 34. From "Upon completion" to the end.

Sections 36 and 37. The whole.

*Application to the Grant of Leases and Dealings with Leasehold Land of the Provisions of the Act of 1897 with respect to Compulsory Registration.*

**68.** An Order in Council, made under Section 20, subsection 1, of the Act of 1897, shall, in the absence of anything to the contrary in the Order, extend to sales of leasehold as well as of freehold land, and to grants of leases and underleases.

**69.** The effect of an Order so made shall be that, as regards land in the county or part of a county comprised in the Order, an assignment on sale of a lease or underlease having at least forty years to run or two lives yet to fall in, and a grant of a lease or underlease for a term of forty years or more, or for two or more lives, executed after the day specified in the Order and capable of registration, shall operate only as an agreement and shall not pass any legal estate to the assignee or lessee unless or until he is registered as proprietor of the lease or underlease. But where the assignees or lessees shall be the trustees of a settlement for the purposes of the Settled Land Acts, 1882 to 1890, or any of them, nothing in this rule shall prevent the legal estate in the land from passing to the trustees, provided the tenant for life or the person having the powers of a tenant for life under the settlement be registered as proprietor of the land comprised in the assignment or lease within one calendar month from the date thereof, or within such further time as the Registrar shall allow.

**70.** The expressions "assignment" and "grant of a lease or underlease" in Rule 69 shall apply to any instrument by virtue whereof there is conferred or completed a title under which an application for registration as first proprietor of leasehold land may be made.

*Manors, Advowsons, Rents, Tithes, and other Incorporeal Hereditaments, Mines and Minerals severed from the Land, Cellars, Flats, and similar Hereditaments, and undivided shares in Land.*

**71.** Application for registration of manors, advowsons, rents, tithes, or other incorporeal hereditaments, mines and minerals

severed from the land, cellars, flats, and other similar hereditaments, and undivided shares in land, shall be made according to the Rules above prescribed in the case of absolute and possessory titles respectively, and shall be proceeded with in the same manner subject only to such modifications as the nature of the case may require and the Registrar may approve.

**72.** On the registration of a manor the applicant shall leave in the Registry a plan of the lands (if any) alleged to be the demesne lands of the manor, other than lands held by copy of Court roll.

**73.** On the registration of a rent or tithes or rent charge in lieu of tithe the applicant shall leave in the Registry, with the application, a plan of the lands out of which they are issuing, so far as they can be conveniently identified and described, or such other information as may be necessary for identifying such lands, so far as practicable, on the Ordnance Map.

**74.** On the registration of mines and minerals severed from the land, a plan showing as accurately as is practicable the surface under which the mines and minerals lie shall be deposited in the Registry, together with such other plans sections, and further descriptions (if any) as the Registrar may deem necessary for the purpose of identifying such mines and minerals, and also together with full particulars of any appurtenant rights of access, or rights incidental to the working of the mines and minerals that may be subsisting and intended to be entered in the Register.

**75.** On the registration of a proprietor of a flat or floor, or part of a flat or floor, of a house or of a cellar or tunnel or other underground space apart from the surface, a plan shall be furnished of the surface under or over which the tenement to be registered lies, and such further verbal or other description as the Registrar may deem necessary, together with notes of any appurtenant rights of access, in common with others or not, or obligations affecting other tenements for the benefit of the tenement the title to which is being registered.

**76.** Before completing any registration under Rules 74 and 75 with an absolute, qualified, or good leasehold title, notices shall be given in the case of mines and minerals to the owners and to the occupiers of the land under which they lie, and in the case of cellars flats and other similar hereditaments to the owners and to the occupiers of the other tenements immediately above and below and (where in the same building) adjoining laterally to the tenement which is the subject of the application, and to such other persons (if any) as the Registrar may direct.

**77.** On the registration of two or more persons as proprietors of undivided shares in land, the registration shall be made under one title, unless the Registrar shall otherwise direct,

and the share held by each proprietor shall be specified in the Proprietorship Register. If the shares are registered under separate titles, the share to which each title relates shall be stated in the Property Register.

*Settled Land.*

**78.** Application for registration of settled land may be made by any person capable of being registered as proprietor, with the consent of the other persons (if any) whose consent or concurrence is necessary to a sale by that person.

**79.** Where application is made for registration with possessory title, a statement in writing of the proper restriction shall be left with the application, or the Registrar shall be furnished with the information necessary to enable him to frame the proper restriction.

**80.** In framing restrictions for the protection of settled land it shall not be the duty of the trustees or of the Registrar to protect the interests of any person who would not have been a necessary party to a sale or mortgage thereof if the land had been unregistered; but it shall be the duty of the trustees, or, if there are no trustees, of the Registrar, to give notice of the restrictions to such of the beneficiaries (if any) as the Registrar shall direct, and any such person can, if he desires (but at his own risk), lodge a caution or apply for an inhibition.

**81.** The restrictions given in Forms 6 to 12 in the First Schedule hereto shall apply respectively to the various cases set forth in those forms, and may be modified according to circumstances as the parties may require and the Registrar may deem fit.

**82.** The settlement, whether consisting of one or of several documents, or a copy or abstract thereof, may be filed in the Registry for safe custody and future reference. It shall not be referred to in the Register, but shall be filed separately under the number of the title to which it relates.

*Land held for Charitable Uses.*

**83.** The person or persons in whom is vested any land for the sale of which the consent of the Charity Commissioners is by statute required, and (where any land is vested in the Official Trustee of Charity Lands) the administering trustees of the charity, shall for the purposes of Section 68 of the Act of 1875 be deemed to be trustees of the land with a power of sale, and the Charity Commissioners shall for the purposes of that section be deemed to be persons whose consent is required to the exercise of the power of sale, and may consent

to an application made under that section accordingly. When the land is vested in the administering trustees they shall on an application made with such consent be registered as the first proprietors of it. When the land is vested in the Official Trustee of Charity Lands he shall be registered as the first proprietor of it, (1) on the production of a conveyance to him, or (2) on the production of an official copy of the order of the Court, or an order of the said Commissioners vesting the land in him, accompanied in either case by a conveyance (if any) to the administering trustees. The official trustee may also on an application showing that under some statute the land is vested in him, and the production of evidence that the requirements of such statute have been complied with, be registered as proprietor. In either case a restriction shall be entered in the register and in the Land Certificate in Form 13 in the First Schedule hereto.

**84.** The Charity Commissioners may, by a writing under the hand of their secretary, give a general consent to the registration of lands held for charitable uses, or a consent limited to certain classes of cases, and upon such terms, as to notices restrictions and otherwise, as they may, with the concurrence of the Registrar, think fit.

**85.** Nothing in Rules 83 and 84 shall apply to land held for Charitable uses which can be sold without the consent of the Charity Commissioners. And if the Charity Commissioners, by a writing under the hand of their Secretary, certify in any case that any land can be sold without their consent, such certificate shall be conclusive for the purposes of registration.

**86.** As regards land held for charitable uses which are solely educational, in Rules 83, 84, and 85 the words "Board of Education" shall be deemed to be substituted for the words "Charity Commissioners," but in Rule 83 the words "said Commissioners" shall nevertheless mean "Charity Commissioners."

*Freehold intermixed with Copyhold Land.*

**87.** Where it is uncertain whether land proposed to be registered is of freehold or of copyhold tenure, a note shall be entered in the Register to the effect that it is doubtful whether the land is of freehold or of copyhold tenure, and that the registration is made without prejudice to any right that may arise if it is subsequently ascertained that the land is of copyhold tenure.

*Cautions, under Section 60 of the Act of 1875, against Entry of Land on the Register.*

**88.** A caution against entry of land on the Register, lodged under Section 60 of the Act of 1875, shall be in Form 14 in the First Schedule hereto, and shall be signed by the



cautioner or his solicitor, and shall contain an address for service in the United Kingdom, and shall refer to, and be accompanied by, sufficient particulars, by plan or otherwise, to identify on the Ordnance Map the land to which the caution relates.

89. In the case of a manor or an advowson or other incorporeal hereditament, the names of the county and parish or place and such other particulars (if any) as the Registrar may deem necessary shall be furnished.

90. The statutory declaration in support of the caution shall be in Form 15 in the First Schedule hereto, and shall be delivered with the caution.

91. The period to be limited by the notice to be served on the cautioner under Section 62 of the Act of 1875 shall be 14 days, or such other period (not being less than seven days) as the Registrar may under special circumstances, direct. The notice shall be in Form 16 in the First Schedule hereto.

92. The caution may at any time be withdrawn in respect of the whole or any part of the land to which it relates upon an application for that purpose in Form 17 in the First Schedule hereto, signed by the cautioner or his solicitor, or the person entitled to the benefit of the caution or his solicitor. Where the withdrawal is in respect of a part only of the land the application shall refer to, and be accompanied by, sufficient particulars, by plan or otherwise, to identify on the Ordnance Map the part to which the withdrawal relates.

93. At any time after the notice required by Section 62 of the Act of 1875 has been served, the cautioner may, by writing signed by himself or his solicitor, consent to the registration, and the consent may be either absolute or conditional on some special entry being made on the register.

94. The Registrar may, if he think fit, allow any person interested in the land to inspect the caution and the statutory declaration lodged in support of it.

#### *Priority Notices.*

95. A person entitled to apply for registration as first proprietor of land (whether his application requires the consent of any other person or not) or his solicitor, or with his consent in writing any other person or his solicitor, may lodge at the Registry a notice (to be called a Priority Notice) in Form 18 in the First Schedule hereto, reserving priority for a specified application intended to be subsequently made, and a written acknowledgment of the receipt of the notice shall be given him. If within 14 days from the lodgment of the notice, or within such further time as the Registrar shall

think fit, an application is made in accordance with the notice and is accompanied by the acknowledgment, it shall be dealt with in priority to any other application affecting the same land which may have been made in the meantime. On the expiration of the period fixed as aforesaid for the operation of the notice it may be cancelled.

*Transfer or Charge prior to Registration.*

96. Where a person having the right to apply for registration as first proprietor of land desires to transfer or charge the land before he is himself registered as proprietor, he may do so in the manner, and subject to the conditions, which would be applicable if he were in fact the registered proprietor.

Subject to any prior rights obtained by registration under the Acts and Rules, a transfer or charge so made shall, when completed by registration, have the same effect as if the person making it were registered as proprietor.

Provided that a charge shall not be accepted for registration until an application has been made for the registration of the land to which it relates, and if the application for registration of the land is subsequently refused, or withdrawn, or abandoned, the registration of the charge shall be annulled.

### PART III.

#### REGISTERED DEALINGS WITH REGISTERED LAND.

*As to registered dispositions generally.*

##### i. *Form.*

97. The forms in the First Schedule hereto shall be used in all matters to which they refer, or are capable of being applied or adapted, with such alterations and additions, if any, as are necessary or desired and the Registrar allows.

98. Instruments for which no form is provided or to which the scheduled forms cannot conveniently be adapted, shall be in such form as the Registrar shall direct or allow, the scheduled forms being followed as nearly as circumstances will permit.

99. For the purpose of introducing the implied covenants under the Conveyancing and Law of Property Act, 1881, a person may, in a registered disposition, be expressed to execute, transfer, or charge as beneficial owner, as settlor, as trustee, as mortgagee, as personal representative of a deceased person, as committee of a lunatic so found by inquisition, or under an

order of the Court: and an instrument of transfer or charge, and any instrument affecting registered land, or a registered charge, may be worded accordingly, but no reference to such implied covenants shall be entered in the Register.

**100.** If it appears to the Registrar that any instrument or entry proposed to be entered or made in the Register is improper in form or in substance, or is not clearly expressed, or does not indicate with sufficient precision the particular interest or land which it is intended to affect, or refers only to matters which are not the subject of registration under the Acts, or, being a condition, does not run with the land, or is not capable of being legally annexed thereto, or of affecting assigns by way of notice, or being a restriction, is unreasonable or calculated to cause inconvenience, or is otherwise expressed in a manner inconsistent with the principles upon which the Register is to be kept, he may decline to enter the same in the Register, either absolutely, or without such modifications therein as he shall approve; or he may himself with the applicant's consent, settle the form of the entry to be made.

**101.** An instrument dealing with part of the land comprised in a title may, where such part is clearly defined on the filed plan of the land, define it by reference to that plan instead of by means of an accompanying plan.

**102.** Lands included in more than one title may be included in one disposition.

**103.** Where, under or by virtue of any statute, or other sufficient authority, a public body, corporation, company, or society is empowered or required to take conveyances or mortgages or to execute deeds and instruments in any particular form or style, all transfers and other instruments requiring registration may be adapted to such form and style, and for that purpose the scheduled forms may be modified in such manner as the Registrar may from time to time direct or approve. Where the form prescribed by the statute or authority names no definite transferee the entry in the register may be adapted to the form.

**104.** An instrument executed under Section 9, sub-section 6, of the Act of 1897, or under Rule 96, by a person entitled to be registered as proprietor of land, or of a charge, before he has been registered as such, shall be in the same form as is required for a disposition by the registered proprietor with such modification, if any, as may be necessary to define clearly the land affected. But no registration of such instrument shall be made until the person executing the same has been registered as proprietor, or his right to be so registered has been shown to the satisfaction of the Registrar.

**105.** Where such an instrument as is mentioned in Rule 104 deals with a portion of the land comprised in

a title, or with a charge not yet entered in the Register, the form may be varied so far as may be necessary to identify the land or charge dealt with.

**106.** Where a disposition of land is about to be made which cannot be registered without the consent of some other person being obtained, such consent may be given by the instrument of disposition; which must in that case be executed by the person giving the consent.

## ii. *Execution and Attestation.*

**107.** Every instrument of transfer, charge, exchange, or partition of registered land, or of any registered charge on land, including any alteration of a charge, shall; and, if the parties desire it, any other instrument required to be in writing may; be executed as a deed.

**108.** Every instrument required to be executed as a deed shall be attested.

**109.** Every instrument required by these Rules to be attested shall be executed in the presence of a witness, who shall sign his name, and add his address, and description.

**110.** If any instrument is executed by attorney, the power of attorney, or an office copy thereof shall be produced to the Registrar; and, in cases not falling within Sections 8 and 9 of the Conveyancing Act, 1882, evidence (by the statutory declaration of the attorney or otherwise) sufficient to satisfy the Registrar that the principal was alive at the time of the execution of the instrument and that the power was then unrevoked, shall also be produced; and the original power of attorney shall be filed, either at the Central Office or in the Registry.

## iii. *Registration.*

**111.** Where instruments or applications are delivered at the Registry with the proper Inland Revenue and Land Registry fee stamps affixed thereto or impressed thereon, accompanied when necessary by the land certificate or certificate of charge, as the case may be, they shall be examined by an officer of the Registry, and if certified by him as capable of registration, they shall be entered in a book in the order in which they are delivered. The registration shall then be completed as of the day on which, and, in the absence of direction or inference to the contrary in or from the instruments or applications themselves, of the priority in which the instruments or applications were delivered.

**112.** Where two or more instruments or applications relating to the same land or to the same charge are delivered at

the same time by the same person, they shall rank, for the purposes of priority, in such order as may be directed by, or inferred from, the instruments or applications, and in default, as may be required in writing by the person delivering them.

**113.** Instruments and applications delivered by post or under cover during the hours in which the office is open for registration shall be treated as delivered at the same time and immediately before the closing of the office for that day. Instruments and applications delivered between the hours of closing and of the next opening of the office for registration shall be treated as delivered at the same time and immediately after such opening.

**114.** The names and addresses of transferees and other persons required to be entered on the register shall be entered as given in the registered instruments or as stated by them or their solicitors at the time of registration. If errors in these particulars are afterwards alleged, evidence may be furnished and referred to on the register, but the original entries shall not be altered.

**115.** If any alteration is required to be made in an instrument after it has been delivered for registration, it may, before any entry in respect thereof has been made in the register and if the Registrar shall think fit, be withdrawn from registration and handed out for the purpose of alteration and re-execution. The re-execution must be by all persons whose interests appear to be affected by the instrument, whether it was originally so executed by them or not. On re-delivery at the Registry, the dealing shall be registered as of the date and priority of such re-delivery.

**116.** Where an instrument or application affects two or more titles or two or more charges it may, on the written application of the person delivering it for registration, be registered as to some or one only of the titles or charges affected thereby. An instrument so registered may be afterwards registered as to any of the other titles or charges affected thereby, but shall not affect any title or charge as to which it has not been registered.

**117.** The registered proprietor of land or of a charge or his solicitor, or with his consent in writing any other person or his solicitor, may lodge at the Registry a notice (to be called a Priority Notice) in Form 19 in the First Schedule hereto reserving priority for a specified instrument or for a specified application intended to be subsequently made. The notice shall be accompanied by the land certificate or certificate of charge and shall be entered on the register and the certificate shall be endorsed accordingly. If within 14 days from the lodging of the notice or such further time as the Registrar shall think fit, the specified instrument or application is delivered for registration, it shall be registered with priority

to any other instrument or application affecting the same land or charge which may have been delivered in the meantime. On the expiration of the period fixed, as aforesaid, for the operation of the notice, it may be cancelled.

**118.** On the delivery for registration of an instrument or application, notice of the fact shall be sent to the person by whom it purports to be executed, and, where the instrument purports to be a conveyance or transfer in exercise of a power of sale contained either in a mortgage prior to the registration of the land or in a registered charge, notice of the fact shall also be sent to the proprietor of the land and to the proprietors of all subsequent charges.

The notice shall state that the person to whom it is addressed will have three clear days from the posting of the notice, within which to lodge objections. In the absence of any objection the registration may be completed at the expiration of the limited period.

**119.** Except where otherwise provided by these Rules, all deeds, applications, and other documents on which any entry in the Register is founded shall be retained, and shall not be taken away from the Registry except under a written order of the Registrar or an order of the Court.

**120.** Where registered leasehold land is held under a lease which requires assignments and other dispositions to be produced to the lessor or his agent, or to be produced to and endorsed by him, such a stipulation shall, as regards any transfer or charge, be sufficiently complied with by production thereof to him and by endorsement, if required, of the instrument of transfer or charge, or after the registration thereof, by production and by endorsement, if required, of the land certificate or certificate of charge as the case may be. Such endorsement shall not be made on the copy of the filed plan, or on the copy of the entries in the Register.

**121.** Upon the registration of a charge in favour of a Building Society, Friendly Society (including a branch society), or Industrial and Provident Society, the instrument of charge may (if it is so desired) be delivered to them after registration upon their delivering at the Registry a copy thereof, verified by the signature of the secretary as being a correct copy; which copy shall be admissible for all purposes as sufficient evidence of the contents and execution thereof, without the production of the original charge. Such copy need not be stamped, and must be filed in the Registry.

**122.** Where an instrument of charge in favour of a Building Society, Friendly Society (including a branch society), or Industrial and Provident Society, is delivered to the society under the preceding Rule, it shall be endorsed with a Certificate of Registration, and the instrument so endorsed shall be treated for all purposes as the Certificate of Charge. It shall

be endorsed with notes of transfers, part discharges, and other dealings, and when the charge is wholly discharged shall be delivered up, cancelled, and retained in the Registry.

#### *iv. Stamp Duty.*

**123.** When an application or instrument capable of registration is made or executed for the sole purpose of carrying out on the Register a transaction already effected by a deed or other instrument not on the Register, the Inland Revenue stamp on the transaction shall be affixed to or impressed on the last mentioned deed or instrument, and the registered instrument shall bear no stamp duty. Provided that the stamped instrument shall before the completion of the registration be produced to an officer of the Registry, to show that all duty payable in respect of the transaction has been paid.

**124.** When, upon the delivery of any instrument for registration, a question arises whether such instrument, or any other instrument produced under Rule 123, is sufficiently stamped, and the applicant for registration, or his solicitor, gives a written undertaking that he will within a time fixed by the Registrar procure and furnish the necessary evidence that the instrument so delivered or produced either then was or has subsequently been sufficiently stamped, a note shall be made in the Register that on that day registration was applied for, but that such question having arisen it was not completed: and the instrument shall be returned to the person who delivered or produced it. If such instrument is subsequently, within the time fixed, delivered or produced at the Registry, with the proper evidence that it is when so delivered or produced sufficiently stamped, the registration shall be completed as of the date on which the note was made. If, at the expiration of the time fixed, the written undertaking has not been complied with, the note shall be withdrawn from the Register.

**125.** Except where otherwise provided, the Registrar shall not receive any document required to be stamped which in his opinion is not sufficiently stamped.

#### *Transfers of Land.*

**126.** A transfer of the whole of the land comprised in a title shall be made by an instrument in Form 20 in the First Schedule hereto.

**127.** A transfer of part of the land comprised in a title shall be made by an instrument in Form 21 in the First Schedule hereto, and shall also (subject to the provisions of Rule 101) be accompanied by a plan showing the land transferred: and the plan shall be signed by the transferor and by or on behalf of the transferee.

**128.** A transfer of land to the uses of a settlement shall be made by an instrument in one of the Forms 22 to 27 in the First Schedule hereto, with the addition of the proper restrictions to be entered in the Register, according to the principles stated in Rule 80, and the Registrar shall, on receipt thereof, register the transferee named therein as the proprietor of the land, and shall enter in the Register the restrictions contained in the transfer.

**129.** Where registered land has been brought into settlement, and the existing registered proprietor is the tenant for life under the settlement, and elects to remain the registered proprietor, he must apply for the registration of a restriction in Form 6 or Form 7 in the First Schedule hereto, or such other restriction as may be required having regard to the terms of the settlement and the Settled Land Acts.

**130.** A transfer of land in consideration or partly in consideration of a rent may be made by the registered proprietor of land by an instrument in any form legally sufficient for the purpose of which the Registrar may approve. The transferee shall be registered as the proprietor of the land, and the rent shall be entered in the Charges Register as an incumbrance. Such evidence as the Registrar may require that the registered proprietor has power to transfer in consideration of a rent shall be furnished.

**131.** The transferor shall be registered as the proprietor of the rent under a separate title, and a reference to that title shall be made in the title of the transferee.

**132.** On a transfer of freehold land subject to an existing rent, covenants similar to those implied by Section 39 of the Act of 1875 on a transfer of leasehold land shall be implied, but such implication may be negatived by adding suitable words to the instrument of transfer as in Form 35 in the First Schedule hereto, and in that case a note thereof shall be entered in the Register. If it is desired to substitute modified covenants for the covenants implied by this rule, the necessary additions may be made to the transfer.

**133.** On a transfer of land subject to a charge or other incumbrance appearing on the Register, or, in the case of a possessory or qualified title, an incumbrance not affected by the registration, covenants by either party to pay the money owing and to indemnify the other party may be added to the instrument of transfer and may be noted on the Register.

**134.** A transfer of land without the mines and minerals shall be made by an instrument in Form 28 in the First Schedule hereto. A transfer of land with certain specified mines and minerals shall be made by an instrument in Form 29 in the First Schedule hereto. A transfer of land with the mines and minerals, except certain specified mines and minerals, shall be made by an instrument in Form 30 in the



First Schedule hereto. The transferee shall be registered as proprietor of the land, with a note to the effect that the mines and minerals (or that the mines and minerals other than certain specified mines and minerals; or that certain specified mines and minerals, as the case may be) are excepted. The transferor shall, if entitled to the excepted mines and minerals, be registered as the proprietor thereof, with an absolute, qualified, good leasehold, or possessory title, according to the circumstances of the case.

**135.** A transfer of mines and minerals without the land shall be made by an instrument in Form 31 in the First Schedule hereto. A transfer of certain specified mines and minerals without the land shall be made by an instrument in Form 32 in the First Schedule hereto. A transfer, without the land, of the mines and minerals, except certain specified mines and minerals, shall be made by an instrument in Form 33 in the First Schedule hereto. The transferee shall be registered as the proprietor of the mines and minerals transferred, with an absolute, qualified, good leasehold, or possessory title, according to the circumstances of the case: and a note shall be entered against the transferor's title to the effect that the mines and minerals (or that certain specified mines and minerals; or that the mines and minerals other than certain specified mines and minerals, as the case may be) have been transferred.

**136.** Where part only of the land or of the mines and minerals under the land comprised in one title is transferred forms 28 to 33 may be modified accordingly.

**137.** A transfer of land in exercise of a power of sale contained in a registered charge shall be made by an instrument in Form 34 in the First Schedule hereto.

**138.** A transfer of leasehold land shall be made by an instrument in Form 35 in the First Schedule hereto, and all or any of the covenants implied by Section 39 of the Act of 1875 on a transfer of leasehold land may, if it is desired, be negatived by adding suitable words to the instrument of transfer, and in that case an entry negating the implied covenants shall be entered in the Register. If it is desired to substitute modified covenants for the covenants implied by Section 39, the necessary additions may be made to the transfer.

**139.** On a transfer of part of the land held under a lease, the covenant implied on the part of the transferee by Section 39 of the Act of 1875 shall be limited to the payment of the apportioned rent (if any) and the performance and observance of the covenants by the lessee and conditions in the registered lease so far only as they affect the part transferred. Where the transferor remains owner of part of the land comprised

in the lease, there shall also be implied on his part a covenant with the transferee similar to that implied on the part of the transferee under Section 39 of the Act of 1875 as modified by this Rule.

The above covenants may, if it is desired, be modified or negatived by adding suitable words to the instrument of transfer; and a note shall be made in the Register.

**140.** A transfer for valuable consideration of leasehold land registered with an absolute or qualified title shall, when registered, have the effect given by Section 35 of the Act of 1875 to such a transfer of leasehold land registered with a declaration that the lessor had an absolute title to grant the lease under which the land is held: save that, where any estate, right, or interest is excepted from the effect of registration, the transfer shall not affect or prejudice the enforcement of any estate, right, or interest appearing by the Register to be so excepted.

**141.** A transfer for valuable consideration of leasehold land registered with a good leasehold title shall, when registered, have the effect given by Section 35 of the Act of 1875 to such a transfer of land registered with a declaration that the lessor had an absolute title to grant the lease under which the land is held, save that it shall not affect or prejudice the enforcement of any estate right or interest affecting or in derogation of the title of the lessor to grant the lease.

**142.** A transfer for valuable consideration of leasehold land registered with a possessory title shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with an absolute title, save that the transfer shall not affect or prejudice the enforcement of any right or interest (whether in respect of the lessor's title or otherwise) adverse to or in derogation of the title of the first registered proprietor, and subsisting or capable of arising at the time of the registration of such proprietor.

**143.** The provisions as to land certificates of Section 29 of the Act of 1875, as amended by Section 8 of the Act of 1897, shall apply to leasehold land.

**144.** A transfer of land to an incorporated Company or other Corporation, sole or aggregate, shall be made by an instrument in Form 36 in the First Schedule hereto, and shall refer to the licence in mortmain or statute enabling the corporation to acquire or hold the land; and if the licence or statute contains any limit to the extent of land which may be acquired or held, or any provisions as to the purposes for which it may be used, a statement showing that the land transferred, together with any land already acquired or held under such licence or statute, does not exceed such limit, and, showing also the purposes for which the land is to be used, shall be added. Such

statement shall be proved by statutory declaration or otherwise, as the Registrar may direct. But a transfer of land from the Ecclesiastical Commissioners to an Incumbent or other Ecclesiastical Corporation shall be exempt from the provisions of this rule.

**145.** A transfer of land for charitable uses within the meaning of the Mortmain and Charitable Uses Act, 1888, shall, except in cases exempted by Section 7, sub-section (i.), of the said Act, be made by an instrument in Form 37 in the First Schedule hereto, and shall refer to the statute or other authority under which it is made; and where such statute or authority contains any limit to the extent of land which may be acquired or held, or any provisions as to the purposes for which it is to be used, a statement showing that the land transferred, together with any land already acquired or held under such licence or statute, does not exceed such limit, and showing also the purposes for which the land is to be used, shall be added. Such statement shall be proved, by statutory declaration or otherwise, as the Registrar may direct.

**146.** A transfer of land under Rule 144 or Rule 145 shall not be registered until the Registrar is satisfied that such transfer is in accordance with the law relating to mortmain or charitable uses. And where it shall appear to the Registrar that a right of pre-emption, or reverter, or restrictive condition, or a restriction on alienation by the transferee, or any other like right or restriction exists, or may arise, he shall enter notice of any such right or conditions, or a restriction or inhibition protecting any such right, condition, or restriction on alienation or otherwise, in such manner and form as he shall think fit.

**147.** Where under or by virtue of any Act of Parliament a conveyance to the Ecclesiastical Commissioners would have the effect of vesting any land, either immediately or at a subsequent time, in an Incumbent or any other Ecclesiastical Corporation sole and his successors, the Registrar may, on production of a transfer to the Ecclesiastical Commissioners, together with a certificate by them in Form 38 in the First Schedule hereto, or to the like effect, enter such Incumbent, or other Ecclesiastical Corporation, and his successors, as registered proprietor.

**148.** When under or by virtue of the New Parishes Acts, 1843 to 1884, any land would upon the creation of a new parish become vested in an Incumbent and his successors, and Rule 147 shall be inapplicable, the Registrar may on production of the land certificate, and the consent of the registered proprietor of the land, and of a certificate by the Ecclesiastical Commissioners, in Form 39 in the First Schedule hereto, or to the like effect, enter such Incumbent as registered

proprietor. If the registered proprietor refuses to give his consent, or his consent can only be obtained after undue delay or expense, the Registrar may, after due notice under these Rules to the proprietor, and such further evidence (if any) as he may deem sufficient, make the entry without production of the consent.

**149.** Where by a scheme of the Ecclesiastical Commissioners and an Order in Council ratifying the same, or other instrument taking effect on publication in the London Gazette made under and pursuant to the provisions of any Act of Parliament relating to or administered by the Ecclesiastical Commissioners, or by any conveyance authorised by any such Act, any land shall be expressed or declared to be transferred or vested to or in the Ecclesiastical Commissioners, or to or in any Ecclesiastical Corporation, aggregate or sole, or any person, and it shall be necessary or deemed desirable by the Ecclesiastical Commissioners to enter the transferee on the Register, the Registrar may, on production of the land certificate, and the consent of the registered proprietor of the land and of a certificate by the Ecclesiastical Commissioners in Form 40 in the First Schedule hereto, or to the like effect, and of the King's printer's copy of the Gazette containing such publication, enter such Ecclesiastical Corporation or the Ecclesiastical Commissioners, or such person, as registered proprietor. The consent of the registered proprietor to the scheme, testified by his signing or sealing the same, shall be a sufficient consent for the purposes of this Rule, and the King's printer's copy of the Gazette containing it shall be sufficient evidence of such consent.

**150.** The Official Trustee of Charity Lands may be registered as proprietor of land (subject to a restriction in Form 13 in the First Schedule hereto) on the production of the following evidence, namely (1) Where the administering trustees of a charity are registered as proprietors of the land, on the production of an official copy of an Order of the Court or an Order of the Charity Commissioners vesting the land in him. (2) Where the administering trustees are not so registered, on the production of a transfer to them, and (a) an official copy of an Order of the Court, or (b) an Order of the said Commissioners vesting the land in him. He may likewise be so registered on an application showing that under some statute the land is vested in him, and the production of evidence that the requirements of such statute have been complied with. In all cases the application shall be accompanied by the land certificate.

**151.** When the power of disposing of registered land has, by the operation of any statute or statutory power or by order of Court or by paramount title, become vested in some person other than the registered proprietor (as, for instance, in the case of a deed poll executed under Section 77 of the Lands

Clauses Consolidation Act, 1845, or of a declaration vesting an estate contained in or made under or by virtue of any statute, or of a sale by a mortgagee with a title paramount to the title registered) and the registered proprietor refuses to execute a transfer, or his execution of a transfer cannot be obtained, or can only be obtained after undue delay or expense, the Registrar may, after due notice under these Rules to such proprietor, and on production of the land certificate, and such evidence as he may deem sufficient make such entry in or correction of the Register as under the circumstances he shall deem fit.

**152.** On a disposition by a mortgagee or other person under or by virtue of any estate right, interest or power not affected by the registration, or entered as an incumbrance prior to registration, the Registrar may dispense with the production of the land certificate.

**153.** A transfer of land with restrictive conditions annexed thereto under Section 84 of the Act of 1875, as amended by the Act of 1897, shall be made by an instrument in Form 41 in the First Schedule hereto.

**154.** Where any registered land is exchanged for other registered land, the exchange shall be made by an instrument in Form 42 in the First Schedule hereto.

**155.** Where an exchange is made under an order or award of the Board of Agriculture, the production of such an order or award, or a sealed copy thereof, together with the land certificate, shall be a sufficient authority to the Registrar to make such entries and alterations in the Register as are required to complete the exchange.

If the lands to be exchanged are not in the same condition with regard to registration—as, for instance, if one estate is registered with absolute title and the other with possessory title, or if one estate is subject to incumbrances and the other is not, or is subject to different incumbrances, or if one estate is already on the Register and the other is not—the Registrar shall carry out the order or award in such manner as may be best calculated to give effect in the Register to the provisions of the Inclosure Acts and Tithe Acts in regard to exchanges or any similar provision for the time being in force.

**156.** A partition shall be made by an instrument in Form 43 in the First Schedule hereto, and where a partition is made by order of the Board of Agriculture, proceedings analogous to those above provided in the case of exchanges shall be adopted.

**157.** (1) Upon the joint application in writing of the registered proprietor, and of an intended purchaser of part of the land comprised in a title accompanied by an instrument of transfer (executed as or as in the nature of an escrow by all

necessary parties) the intended transferee may be provisionally registered as proprietor; and in such case a land certificate may be issued to the transferor showing the intended transferee as registered proprietor of the land mentioned in the instrument of transfer; but nevertheless during a period to be specified in the application (but not exceeding 21 days from the date thereof) such registration shall, subject as hereinafter provided, be deemed to be provisional only, and liable to cancellation under this rule; and unless completed as hereinafter provided such registration shall not be deemed to be registration within the meaning of Sections 29 and 34 of the Act of 1875.

(2) At any time before the registration has been completed, the provisional registration may be cancelled and the instrument of transfer returned to the transferor upon (i) the delivery of the land certificate to the Registrar to be cancelled and (ii) the production of a statutory declaration by the transferor to the effect that any consideration expressed to be paid or given for the transfer has not been paid or given and (iii) the service of such notices as the Registrar shall think fit.

(3) If such registration shall not have been cancelled then on the expiration of the period specified in the application (or sooner, on the production of the land certificate accompanied by the written application of the transferee or any person claiming under him for the registration to be immediately completed) the registration shall be completed and take effect as of the day on which and of the priority in which the application for provisional registration was delivered to the Registry, and the instrument of transfer shall be deemed to have taken effect accordingly.

(4) Pending the completion of the registration the Registrar shall make such provisional entries in the books kept in the Registry as he shall deem necessary.

#### *Charges.*

**158.** A charge on registered land shall be made by an instrument in Form 44 in the First Schedule hereto, and a copy of the instrument of charge shall be delivered with it.

**159.** The registration of an instrument of charge negating or modifying the provisions of Sections 23 to 27 of the Act of 1875, or any of them, shall for the purposes of those sections be deemed a sufficient negative or contrary entry on the Register.

**160.** A charge to secure an annuity or to secure future advances shall be made by an instrument in Form 45 or 46 respectively in the First Schedule hereto, and Forms 45 or 46 may be combined with Form 44.

**161.** On the registration of a charge created by a company registered under the Companies Acts, 1862 to 1900, there shall

be produced to the Registrar either a certificate under Section 14 of the Companies Act, 1900, that it has been registered under that section, or a certificate under the seal of the company or signed on their behalf by their solicitor that the charge was not created for the purpose of securing any issue of debentures. If no such certificate is produced, a note shall be made in the Register that the charge is subject, if and so far as created for the purpose of securing any issue of debentures, to the provisions of Section 14 of the Companies Act, 1900.

**162.** Where part only of the land comprised in a title is included in a charge, the part so charged shall (subject to the provisions of Rule 101) be identified by a plan, which shall be signed by the person making the charge and by or on behalf of the person in whose favour the charge is made.

**163.** Where it appears from a charge that the money secured is advanced by two or more persons but not on joint account, they shall be entered either as joint proprietors of the charge as a whole, or as proprietors as tenants in common, according to their intention appearing in the charge or in writing under their hands. If no such intention appears, they shall be entered as tenants in common.

**164.** When the proprietor of a registered charge obtains an order for foreclosure absolute, the order, or an office copy thereof, shall be delivered to the Registrar, who shall thereupon enter the proprietor of the charge as proprietor (subject to prior charges) of the land the equity of redemption in which is foreclosed. The certificate of charge, and if required by the Registrar, the land certificate, shall accompany the application.

**165.** An application to alter the terms of a registered charge under Section 9, sub-section 5, of the Act of 1897 shall be in Form 47 in the First Schedule hereto, and shall be executed by the registered proprietors of the charge and of the land and of every charge of equal or inferior priority prejudicially affected by the alteration.

**166.** A discharge wholly or in part of a registered charge shall be made by an instrument in Form 48 in the First Schedule hereto and shall be signed by the registered proprietor of the charge. But the Registrar shall be at liberty to accept and act upon any other proof of satisfaction of a charge which he may deem sufficient.

**167.** When all moneys intended to be secured by any mortgage or charge to or in favour of any Building Society, Friendly Society (including a branch society), or Industrial and Provident Society have been fully paid or satisfied, an instrument of discharge in the form provided by these Rules, under the seal of such Society if incorporated, or under the hands and seals of the trustees for the time being of or acting in that matter for such Building or Friendly Society, or other the proper officers thereof, if such society is not incorporated, and

attested by the secretary; or under the hands and seals of two members of the committee of an Industrial and Provident Society, if unincorporated, and attested by the secretary; shall have the same effect and operation in vacating the mortgage or charge, and in vesting the estate, and otherwise, as a receipt indorsed on such mortgage or charge, duly made, signed, and attested in such form and manner and by such persons as is prescribed by, and otherwise in conformity with the provisions of Section 5 of 6 and 7 Will. IV., cap. 32; Section 42 of the Building Societies Act, 1874; Section 43 of the Industrial and Provident Societies Act, 1893; and Section 53 of the Friendly Societies Act, 1896, respectively.

**168.** A transfer of a charge shall be made by an instrument in Form 49 in the First Schedule hereto.

**169.** Where a charge, whether affecting the whole or a part of the land comprised in a title, reserves the right to consolidate, it shall not on that account only be registered against any other land than that expressly described in it. But where the right reserved is to consolidate with a specified charge, or an application in writing is made to register the right in respect of a specified charge, the Registrar shall require the production of the land certificates of all the titles affected, and, on the production thereof, shall enter in the Register a notice that the specified charges are consolidated.

**170.** Every land charge shall be deemed to be created by the person registered as proprietor of the land at the date of the charge, and shall be capable of registration accordingly; but in the case of such a charge being registered, the covenants by the proprietor of the land under Sections 23 and 24 of the Act of 1875 shall not be implied, and the proprietor of the charge shall not by virtue of such registration be entitled to any rights under Sections 25, 26 or 27 of that Act to which he would not otherwise have been entitled.

**171.** In order to prevent a security for moneys presently raisable under a puisne charge gaining priority by earlier registration over a security for moneys raisable at a future time under a paramount charge (as, for instance, when moneys are raised under a later portions term, while moneys raisable under an earlier portions term are still unraised) it shall be the duty of a registered proprietor charging settled land under Section 6, sub-section 7, of the Act of 1897 to note on the instrument of charge the existence of any prior term or power under which moneys have to be raised which will, when raised, have priority over the moneys secured by the puisne charge, referring to the instrument creating the term or power and stating in the note in general terms the amount raisable thereunder (for instance, "the sum of £5,000, and the costs of raising the same"). The note so made shall be entered in the Register.



**172.** When a person registers a charge which he alleges to have, under or by virtue of some statute, priority over other charges upon the same land of earlier date, he shall (unless the charge contains such a statement) state in writing under what statute or statutes such priority is claimed; and an entry shall be made in the Register that a claim is made by the registered proprietor of the charge that it has priority under the statute or statutes referred to, and that it does not (as between itself and other registered charges of earlier date) rank according to the date of its creation, or to the order of entry in the Register.

**173.** If and when it becomes important to determine whether such claim to priority is well founded, any person interested may apply to the Registrar to determine the question in accordance with these Rules: and the Registrar may either himself determine all questions as to the priorities and relative rights of the parties; or may require the matter to be brought before the Court for decision: and the result of the decision shall be entered in the Register, and any necessary alterations shall be made therein.

**174.** The provisions of Rules 151 and 157 with respect to registered land, shall apply, with the necessary modifications, to a registered charge.

*Adaptation to Incumbrances prior to Registration and to Sub-mortgages of the provisions of the Act of 1875 with regard to Charges.*

**175.** Where it appears that any person is entitled to an incumbrance created prior to the first registration of land, the Registrar shall, on the application or with the consent of the person so entitled and on due proof of his title and after notice to the registered proprietor of the land, register such person as the proprietor of such incumbrance; but, where there are several such incumbrances, their relative priorities shall not be affected by the registration of some or one of them only, or by the order in which such of them as are registered are entered in the Register.

**176.** From and after the registration of the proprietor of an incumbrance, all transfers and other dispositions thereof or thereunder shall be entered in the Register and shall (subject to any entry to the contrary in the Register) rank, as between themselves, for purposes of priority in the order in which they are registered; and the incumbrance shall cease to be subject to the jurisdiction of any local Deed Registry.

**177.** The same forms shall be used and proceedings adopted as to transfers and other dispositions of or under incumbrances so registered as are required in the case of registered charges.

**178.** The registered proprietor of a charge or incumbrance may at any time charge the same with the payment of money in the same manner as the registered proprietor of land can charge the land.

**179.** Such a charge shall be called a sub-charge and shall be completed, transferred, and discharged in the same form and manner as a charge. Subject to any entry in the Register to the contrary, a sub-charge shall as against the person creating it imply the same covenants and, as against that person and all persons over whose interests the charge confers power, shall confer the same powers as a charge. Subject to any entry to the contrary in the Register, registered sub-charges on the same charge or incumbrance shall, as between themselves, rank according to the order in which they are entered on the Register and not according to the order in which they are created.

**180.** On the registration of a sub-charge the certificate of charge or incumbrance shall be produced and endorsed with a note thereof.

**181.** Certificates of incumbrance and of sub-charge shall be prepared in like forms and be issued and dealt with and may be used to create a lien by deposit in the same manner as certificates of charge. They shall be produced on the same occasions and their production may be dispensed with on the same terms as certificates of charge.

### *Transfer and Discharge.*

**182.** A transfer of land combined with a discharge of a charge or incumbrance shall be made by an instrument in Form 50 in the First Schedule hereto.

### *Transmissions of Land and Charges.*

#### *i. On death.*

**183.** On production of the probate or letters of administration of a sole (or sole surviving) registered proprietor of land or of a charge, dying after 1897, the personal representative named in such probate or letters shall be registered as proprietor in the place of the deceased proprietor, with the addition of the words, "Executor or Executrix (or Administrator or Administratrix) of [name] deceased," and if an executrix or administratrix is a married woman, that fact shall be stated.

**184.** When, after one executor has been registered as proprietor under the preceding rule, another executor applies to be registered as proprietor jointly with him, the Registrar shall, after notice to the other executor or executors, make the necessary alteration in the Register upon production by the executor applying, of the probate obtained by him; or if he has

not proved the will, of a statement in writing, signed by him, that he has accepted the executorship and desires to be registered accordingly.

**185. On the production of—**

- (a) the probate or letters of administration with the will annexed and of an instrument of assent or appropriation in either of the Forms 51 or 52 in the First Schedule hereto; or
- (b) a transfer by the personal representative and of the probate or letters of administration,

the devisee or legatee named in the assent or appropriation, or the transferee named in the transfer, shall be registered as proprietor of the land or charge in place of the deceased proprietor.

**186.** Where a settlement is created by the will of, or otherwise arises in consequence of the death of, a sole registered proprietor, the personal representative shall, at the proper time, with the consent of the tenant for life (if of full age) deliver at the Registry, together with the probate or letters of administration, a written application for the registration of a proprietor, with the proper restrictions, according to the principles stated in Section 6 of the Act of 1897 and Rule 80; and thereupon the registration shall be made accordingly; and, if the parties desire it, the probate, or settlement, or a copy or abstract thereof, may be deposited in the Registry for safe custody and future reference.

**187.** When the trustees of a settlement apply, on the death of a tenant for life, for the registration of a successor under the settlement, they and their solicitor shall make a statutory declaration to the effect that the deceased proprietor was tenant for life, and that they are the trustees of the settlement, and that the person for whose registration they are applying is the successor under the settlement, and that the restrictions applied for are those proper to be entered, or that no restrictions are required.

**188.** In any case under Rule 187 in which the Registrar requires that the declaration shall be accompanied by a certificate of counsel to the like effect, such certificate to his satisfaction shall be produced.

**189.** When such declaration (and certificate if required) are produced, the Registrar shall not require production of the settlement or any further evidence; but when they are not produced he shall inquire into the terms of the settlement and shall satisfy himself that the proper entries are made on the Register.

**190.** On the death of a tenant for life registered as proprietor of land if the trustees of the settlement neglect to apply for the registration of the new proprietor in his place, or if there are no such trustees, any person interested under the settlement may apply for the registration of a new proprietor. The Registrar shall thereupon inquire into the terms of the settlement, and shall settle draft entries for the Register on the principles stated in Section 6 of the Act of 1897 and Rule 80 in regard to settled land, and shall give notice thereof to the trustees of the settlement (if any) and to the succeeding tenant for life, and to such other persons (if any) as he may think fit, and if no valid objection is made thereto, shall enter the new proprietor accordingly.

**191.** If one of several joint proprietors of land or of a charge die, his name shall be withdrawn from the Register on proof of death, or on production of probate or letters of administration, together with such other evidence (if any) as the Registrar may require.

**192.** On the death of a proprietor registered under Rule 196 as Official Receiver or Trustee in Bankruptcy, his personal representatives shall not be registered, but proceedings shall be taken in accordance with Rule 198.

## ii. *On Bankruptcy or Liquidation.*

**193.** On production to the Registrar of an office copy of an order of a Court having jurisdiction in Bankruptcy adjudging a proprietor bankrupt, or directing the estate of a deceased proprietor to be administered under Section 125 of the Bankruptcy Act, 1883, together with a certificate signed by the Official Receiver that any registered land or charge is part of the property of the bankrupt or deceased proprietor divisible amongst his creditors, the Official Receiver may be registered as proprietor in the place of the bankrupt or deceased proprietor.

**194.** When the Official Receiver has been registered as proprietor and some other person is subsequently appointed trustee, such person may be registered as proprietor in the place of the Official Receiver on production of an office copy of the certificate by the Board of Trade of his appointment as trustee.

**195.** If the Official Receiver has not been registered as proprietor, the trustee may be registered as proprietor on production of office copies of the order adjudging the proprietor bankrupt and of the certificate of the appointment of the trustee, with a certificate signed by the trustee that the land or charge is part of the property of the bankrupt divisible amongst his creditors.

**196.** Where the Official Receiver or trustee in bankruptcy is registered as proprietor, the words "Official Receiver," or "Trustee of the property of [name] a Bankrupt" shall be added in the Register.

**197.** If any registered land or charge is vested in the trustee under the provisions of a scheme of arrangement approved by a Court having jurisdiction in bankruptcy, the Official Receiver or other trustee may be registered as proprietor in like manner as a trustee in Bankruptcy, upon production of an office copy of the scheme of arrangement, a certificate signed by the Official Receiver or such other trustee, that the registered land or charge was part of the property vested in him under the provisions of the scheme; and, in the case of a trustee, other than the Official Receiver, an office copy of the certificate by the Board of Trade of his appointment as trustee.

**198.** When a trustee in bankruptcy, or trustee under the provisions of such scheme of arrangement, who has been registered as proprietor, vacates his office as trustee by reason of a receiving order having been made against him, or by release, resignation, death, removal from office, or any other cause, the Official Receiver may be registered as proprietor; or if some other person be appointed trustee, such person may be registered as proprietor on production of an office copy of the certificate of his appointment as trustee.

**199.** Where the Official Receiver or a trustee has been registered as proprietor, and, by reason of any act or omission or order, his estate and interest in the property has become divested, he may give notice to the Registrar in Form 53 in the First Schedule hereto, which notice shall be entered on the Register, together with a general restriction against dealings until further order. On such entry being made the Official Receiver or trustee shall be exonerated from all such liability (if any) as may affect him in respect of the property by reason of his name being entered on the Register as proprietor thereof. When such notice has been entered on the Register an entry may be made under Rule 151 without notice to the registered proprietor, or inquiry as to his execution of a transfer.

**200.** In the liquidation of a company any resolution or order appointing a liquidator may be filed and referred to on the Register, and, when so registered, shall be deemed to be in force until it is cancelled or superseded on the Register.

#### PART IV.

##### MINOR ENTRIES IN THE REGISTER.

###### *Notices of Leases or Agreements.*

**201.** An application to register notice of a lease or agreement for a lease under Sections 50 and 51 of the Act of 1875 may be made either by the lessee or by any person entitled to or interested in the lease or agreement or by the registered proprietor of the land against which the notice is to be entered. The application shall be accompanied by the

lease or counterpart, or by the agreement or duplicate, as the case may be, also by a copy or full abstract thereof, and a copy or tracing of the plan (if any) thereon. Except where the application is made by the registered proprietor, it shall be accompanied also by either the consent of such registered proprietor in writing signed by himself or his solicitor or by an order of the Court authorising the registration of the notice. Consent to the registration of a notice of a lease or agreement may be given either before or after its execution.

**202.** Where the lease or sub-lease, of which notice is so given, is by way of security for money advanced or to be advanced, the land certificate of the lessor or sub-lessor shall be produced and endorsed with a note of the entry.

**203.** Where after the creation of an incumbrance a lease is executed which would, apart from the Land Transfer Acts, 1875 and 1897, be binding on the incumbrancer, and notice of such lease is registered under Section 50 of the Act of 1875, that notice shall be effectual against the incumbrancer notwithstanding that his incumbrance was registered before the registration of the notice.

**204.** If the lease or agreement comprises only part of the land in the title and does not contain sufficient particulars (by plan or otherwise) to enable such part to be clearly shown on the filed plan of the land, the applicant (with the concurrence of all other necessary parties, if any) shall furnish the necessary information.

**205.** The notice in the Register shall refer to the filed copy or abstract of the lease or agreement, and shall give the term, and may include such other short particulars as can be conveniently entered. Where the lease or agreement confers a right of preemption this shall be noted in the Register. The lease or agreement shall be marked with a note of the entry and shall be returned to the applicant.

**206.** If the lease or counterpart or the agreement or duplicate is not produced, a statutory declaration by the applicant or his solicitor, stating the reason of the non-production and verifying the copy or abstract, shall be furnished.

*Notices of Estates in Dower or by the Curtesy.*

**207.** Application under Section 52 of the Act of 1875 to register notice of an estate in dower or by the curtesy in any registered land shall be in the Form 54 in the First Schedule hereto, and shall show concisely the existing rights of the several persons interested in the land affected by the application. The evidence in support of the application shall be delivered therewith, and the matter shall be proceeded with as the Registrar shall direct. Notice of an estate in dower or by the curtesy shall be entered in the Charges Register as an incumbrance.

*Notices as to Death Duties.*

**208.** Where, upon any examination of title, the Registrar finds that there is, or may arise, any such liability to death duties as is mentioned in Section 13 of the Act of 1897, he shall enter notice thereof in the Charges Register according to Form 55 in the First Schedule hereto.

**209.** Where, on the death of a registered proprietor of land his personal representative is registered as such under Rule 183, notice of liability to duty shall not be entered.

**210.** If the personal representative of a deceased proprietor of land assents to a devise or appropriation, or transfers land to any person otherwise than by sale, notice of the liability to duty shall be entered unless there is produced to the Registrar either

- (a.) Proof to the satisfaction of the Registrar that all duty payable in respect of such land by reason of the death of the proprietor has been paid or satisfied; or
- (b.) A certificate from the Commissioners of Inland Revenue in Form 56 in the First Schedule hereto, or to that effect; or
- (c.) Proof to the satisfaction of the Registrar that the applicant is entitled to the land in such a capacity that any liability to duty would not affect a purchaser from him if the land were unregistered.

**211.** Where a notice of liability to duty has been entered on the Register, it shall be cancelled on production of any such evidence as is mentioned in Rule 210.

*Exemption from Land Tax, Tithe Rent Charge, and Payments in Lieu of Tithes or of Tithe Rent Charge.*

**212.** Application to notify exemption from land tax, tithe rent charge, and payments in lieu of tithes or of tithe rent charge, shall be made by delivering at the Registry the certificate of redemption or other necessary evidence, with a request to notify the exemption in the Register. If the Registrar is satisfied by sufficient evidence that the claim to such exemption is well founded, he shall notify the fact in the Property Register.

*Mines and Minerals vested in the Proprietor of the Land.*

**213.** Where any mines and minerals have been opened and worked by the proprietor of the land or by his predecessors in title, or by any person claiming under him or them, and it does not appear on the examination of title or from any other source that the ownership of such mines and minerals is vested

in any other person, or in any other case where it is proved to the satisfaction of the Registrar that the right to any mines and minerals, whether opened and worked or not, is vested in the proprietor, the Registrar may cause him to be registered as proprietor of such mines and minerals by adding to the Property Register a note to the effect that they are included in the registration, and they shall thenceforth be considered as forming part of and subject to the registered title of the land unless otherwise noted in the Register.

*Severance of Mines and Minerals from the Land.*

**214.** Where it appears from the documents or abstract of title furnished, or from the admission of the proprietor of the land, or from any other source, that all or any of the mines and minerals are severed from the land, the Registrar shall enter a note in the Property Register that such mines and minerals are excepted from the registration.

*Notice of the existence of other Liabilities, Rights, and Interests, mentioned in the 18th section of the Act of 1875, as amended by the Act of 1897.*

**215.** Where any person desires to have an entry made in the Register against any land of notice of the existence of a quit rent or any other liability, right, or interest mentioned in Section 18 of the Act of 1875, as amended by the Act of 1897 (except in respect of death duties and mines and minerals), the application shall be made in writing and shall state the particulars of the entry required to be made. If the applicant is the registered proprietor of the land or the liability, right, or interest has been created by the registered proprietor of the land, and if in either case there is no caution, restriction, or inhibition on the Register, the entry shall be made accordingly. In other cases evidence satisfactory to the Registrar shall be produced of the existence of the liability, right, or interest. The proprietor of the land, if not the applicant, shall have notice of the application, and the matter shall be proceeded with as the Registrar shall direct, and any entry, if made, shall be against the title in the Charges Register.

*Discharge of Incumbrances entered on First Registration.*

**216.** Where, upon the first registration of any land, notice of an incumbrance affecting the same has been entered in the Register, the cessation of which is required to be notified under Section 19 of the Act of 1875, the applicant for such notification shall, if there has been no dealing with or transmission of such incumbrance, produce either the incumbrance with a release or receipt thereon signed by the incumbrancer, or a



discharge in the form provided by these Rules. If there has been any dealing with or transmission of the incumbrance, the applicant shall deliver at the Registry an abstract showing his title to make the application and prove the same in the usual way, as in cases of examination of title on first registration. Upon production of such document or proof the Registrar may notify in the Register the cessation of the incumbrance, either by cancelling the original entry thereof, or by noting the fact of its cessation.

**217.** Where any person has been registered as the proprietor of such an incumbrance as is mentioned in Rule 216, the cessation thereof may be notified in the Register upon the production of a discharge executed by the registered proprietor thereof.

### *Determination of a Lease.*

**218.** With the consent of the registered proprietor of a lease which has been registered as a leasehold title and of all other persons appearing by the Register to be interested, or upon the production of evidence to the satisfaction of the Registrar of its determination, and after such notices as he shall think fit, the determination of the lease may be noted on the Register and the leasehold title may be closed. Where such lease has been noted as an incumbrance on the superior title, the note shall be cancelled or an entry made that the lease has determined.

**219.** On the determination of a lease not registered as a leasehold title but noted in the Register as an incumbrance on the superior title, or on the determination of an agreement for a lease so noted, any person interested may apply to have the determination noted in the Register. Upon the production of such evidence as shall satisfy the Registrar that the lease or agreement has determined, the note thereof in the Register shall be cancelled, or an entry made of such determination.

**220.** Where the proprietor of any land comprised in a leasehold title becomes by any means the proprietor of the land comprised in the title against which the lease is noted as an incumbrance, or where a lease or agreement for a lease, noted as an incumbrance only, is vested in such proprietor, the Registrar may, unless the contrary appears, treat the lease as merged, in which case the title shall be closed, or the note shall be cancelled accordingly.

**221.** Where under Rules 218, 219, or 220 an entry is to be made of the determination of a lease or agreement for a lease or a note is to be cancelled, the lease or agreement shall be produced, and marked with notice of the entry and the land certificate of the title closed and the certificates of charge (if any) thereon shall be delivered up and cancelled.

**222.** When a lease or agreement for a lease has determined as to a part only of the land demised thereby or comprised therein, Rules 218, 219, 220, and 221 shall apply so far as circumstances will admit.

*Restrictive Conditions.*

**223.** An application to register restrictive conditions under Section 84 of the Act of 1875 as amended by the Act of 1897, if made at any other time than on first registration or on a transfer, shall state the conditions to be registered, and shall be signed by the applicant; and if he is not the registered proprietor of the land, by such proprietor also; and the signatures shall be attested. The concurrence of the proprietor of a registered incumbrance or charge may be expressed in writing signed by him and attested, and an entry shall be made in the Register of his concurrence. In the absence of such entry the proprietor of a prior charge or incumbrance shall be unaffected by such conditions. A copy of the conditions or of the document containing them shall be delivered at the Registry.

*Entry restraining a disposition by a sole surviving Proprietor.*

**224.** An entry under Section 83, sub-section 3, of the Act of 1875 shall be in Form 57 in the First Schedule hereto, and need only be made where the deed or instrument, by virtue of which the joint proprietors are registered, shows an intention that the survivor of them shall not have power to dispose of the land or charge, or where the Registrar for any special reason considers that such an entry would be desirable. Such an entry may at any time be made with the consent of the joint proprietors.

**225.** When such an entry has been made and the joint proprietors have been reduced to the number specified therein, the Registrar shall, before entering on the Register any disposition by the registered proprietor, require the production of the equitable title; and may give such notices to the persons, or some or one of the persons, equitably entitled as he may deem expedient.

*Cautions (except Cautions against entry of land on the Register); Inhibitions and Restrictions.*

**226.** A caution against dealing with registered land or a registered charge, lodged under Section 53 of the Act of 1875 shall be in Form 58 in the First Schedule hereto; and a caution against the registration of a possessory or good leasehold or qualified title as good leasehold or qualified or absolute shall be in Form 59 in the First Schedule hereto. The caution shall be signed by the cautioner

or his solicitor, and shall contain an address for service in the United Kingdom, and the declaration in support of the caution shall be in Form 15 in the First Schedule hereto, or to the like effect, and shall contain a reference to the land or charge to which it applies, and to the registered number of the title, and shall also state the nature of the interest of the cautioner in such land or charge.

**227.** It shall not be necessary that the land to which a caution relates should be described therein in any particular manner, if sufficient particulars are given by plan or otherwise to identify on the proper Ordnance Map the land to which the caution is intended to apply.

**228.** Any consent given under Section 54 of the Act of 1875 by the cautioner shall be signed by him or his solicitor.

**229.** On the application at any time in writing of the registered proprietor of the land or of a charge to which a caution relates, or when a dealing affecting such land or charge is brought in for registration without the consent of the cautioner, the notice under Section 54 of the Act of 1875 shall be served on the cautioner. The period to be limited by such notice shall be fourteen days or such other period (not being less than seven days) as the Registrar may under special circumstances direct. The notice shall be in Form 60 in the First Schedule hereto.

**230.** At any time before the expiration of the period limited by the notice, or such extension thereof as may be granted by the Registrar, the cautioner may show cause why the caution should continue to have effect, or why the dealing should not be registered—as, for instance, that it has been obtained by fraud or mistake or that it is inconsistent with a prior dealing or with some adverse right or equity.

**231.** Cause may be shown either by the cautioner appearing before the Registrar or by his delivering a statement in writing, signed by him or his solicitor, setting forth the grounds on which cause is shown. The Registrar may thereupon either order that the caution shall thenceforth cease to have effect and that the entry thereof on the Register be cancelled, or he may appoint a time for the registered proprietor or the applicant for registration, as the case may be, and the cautioner, and such other persons (if any) as he may deem expedient, to appear before him.

After hearing all such persons, and serving such notices (if any) as he shall think necessary, the Registrar shall make such order in the matter as he shall think just, as, for instance, that the caution shall continue to have effect, or that it shall cease to have effect and that the entry thereof on the Register be cancelled, or that the registration be refused either with or without an inhibition against registration at any future

time, or that it be completed forthwith, or after an interval, or that it be completed conditionally or with some modification, or subject to the prior registration of a dealing in favour of the cautioner, or subject to some notice, condition, restriction, or inhibition under the Acts. The Registrar may refer the matter, at any stage, or any question arising thereon, for the decision of the Court.

**232.** When the notice required by a caution has been given in respect of the whole of the land comprised in it, and the period named in the notice has expired, the caution shall, unless the Registrar shall otherwise direct, be deemed to be exhausted, and shall be withdrawn from the Register.

**233.** A caution may at any time be withdrawn upon an application for that purpose in Form 61 in the First Schedule hereto, signed by the cautioner or his solicitor, and thereupon the entry thereof on the Register shall be cancelled: but any liability under the Act of 1875 of a cautioner to indemnify or make compensation shall not be affected by such withdrawal.

**234.** An application for an inhibition under Section 57 of the Act of 1875 shall either be accompanied by the consent in writing of the registered proprietor of the land, or shall be supported by the statutory declaration of the applicant and such other evidence (if any) as the Court, or the Registrar, as the case may be, may deem necessary.

**235.** In the absence of any such consent by the registered proprietor, notice of the application shall be given to him, and, if necessary, an appointment shall be made for hearing the same.

**236.** Where an inhibition was originally entered in pursuance of an order of the Court, applications to discharge or cancel the same shall be made to the Court, and in other cases such applications shall be made to the Registrar. They may be made by any person aggrieved by the inhibition.

**237.** Where land is transferred to the incumbent of a benefice and his successors, an inhibition shall be entered in the Register and on the land certificate in Form 62 in the First Schedule hereto, or to the like effect.

**238.** In the case of a sale by an incumbent under the Glebe Lands Act, 1888, or any Act amending or extending the same, the receipt of the Board of Agriculture for the purchase money shall be deemed to be a certificate in accordance with Section 15 of the Act of 1897, and shall be a sufficient authority to the Registrar to register the transfer.

**239.** In all other cases of dispositions by incumbents the certificate to be given in accordance with Section 15 of the Act of 1897 shall be a certificate in Form 63 in the First Schedule hereto, or to the like effect.

**240.** An application for a restriction on transferring or charging land or a charge under Section 58 of the Act of 1875 as amended by the Act of 1897 shall be in Form 64 in the First Schedule hereto, and shall state the particulars of the restriction required to be entered on the Register, and shall be signed by the applicant or his solicitor, and shall be proceeded with as the Registrar shall direct; and an application under Section 59 of the Act of 1875 to withdraw or modify any restriction shall be in Form 65 in the same Schedule, and shall be signed by all persons for the time being appearing by the Register to be interested in the restriction, or their solicitors.

**241.** Application may be made to the Registrar for an order under an inhibition or restriction in anticipation of an intended dealing, and the Registrar may on any such application make an order that the dealing be registered either unconditionally or subject to such limitations or conditions as he may think fit. The order need not be entered on the Register, but shall be filed, and so long as it is in force shall be shown to any person searching the Register.

**242.** In order to give due effect to any arrangement with respect to land made under any of the Acts relating to or administered by the Ecclesiastical Commissioners, whether by scheme and Order in Council, grant, conveyance, transfer, or other instrument, the Ecclesiastical Commissioners shall be deemed to be persons interested within the meaning of Sections 53 and 57 of the Act of 1875.

#### *Notice of Deposit of Certificate.*

**243.** Any person with whom a land certificate or certificate of charge is deposited as security for money may by registered letter, or otherwise in writing, give notice to the Registrar of such deposit, and of his name and address; and shall describe (by reference to the county and parish or place and number of the title) the land to which the certificate relates, and on receipt of such notice the Registrar shall enter the same in the Charges Register, and shall give a written acknowledgment of its receipt. Such notice shall operate as a caution under Section 53 of the Act of 1875.

**244.** A person applying for registration as proprietor of land or of a charge may, whether the land or charge is already registered or not, create a lien on the land or charge equivalent to that created by the deposit of a certificate by giving notice in writing, signed by himself, to the Registrar, that he intends to deposit the land certificate or certificate of charge when issued with another person as security for money.

**245.** The notice of such intended deposit shall state the name and address of the person with whom the certificate is to be deposited, and shall describe the land or charge to which

the certificate relates by reference to the county and parish or place and number of the title or (in the case of unregistered land), by reference to the deed or document by which the land was last dealt with, or otherwise to the satisfaction of the Registrar. On receipt of such notice the Registrar shall enter the same in the Register and give a written acknowledgment thereof.

**246.** A notice of intended deposit shall operate as a caution under Section 53 of the Act of 1875. The certificate shall, when issued or re-issued, be delivered by the Registrar to the person named in that behalf in the notice.

**247.** Notice of deposit or intended deposit of a certificate shall not be entered while another such notice is on the Register, nor as to part only of the land or charge to which the certificate relates.

**248.** If while a notice of deposit or intended deposit is on the Register the certificate is left in the Registry for any purpose, it shall be dealt with notwithstanding the notice, and shall be returned to the person leaving it or as he may in writing direct.

**249.** So long as a notice of such deposit is on the Register no new certificate shall be issued under Section 8 subsection 3 of the Act of 1897, nor shall any new certificate be issued under subsection 4 of the same Section on a sale under a charge subsequent in priority to the notice of deposit without notice similar to that under a caution.

**250.** The notice of deposit may be withdrawn from the Register on a written request signed by the person who gave such notice, or his successor in title; or, when such person consents in writing, on a request signed by the registered proprietor of the land or charge: accompanied in each case by the land certificate, or certificate of charge.

**251.** The lien created by the deposit of a certificate or by notice to the Registrar under Rule 244 shall be subject to any unregistered estates, rights, or interests protected by caution or other entry on the register at the time of the creation of the lien, and in the case of good leasehold qualified or possessory title, to estates rights and interests excepted from the effect of registration.

#### *Entry of Value of Land on the Register.*

**252.** On the first registration of land, and on subsequent changes of proprietorship, the Registrar shall, whenever practicable, enter in the Register, and on the land certificate, the price paid or value declared. The original amount of every charge shall also where practicable be entered on the Register.

*Formal Alterations.*

**253.** The Registrar may, from time to time make any formal alterations in the Register as to any change in the name address or description of any registered proprietor or otherwise as he may deem proper.

**PART V.****MISCELLANEOUS.***Appurtenances.*

**254.** The registration of a person as proprietor of land shall vest in him, together with the land, all rights, privileges, and appurtenances appertaining or reputed to appertain to the land or any part thereof, or, at the time of registration, demised, occupied, or enjoyed therewith, or reputed or known as part or parcel of or appurtenant to the land or any part thereof.

**255.** Rights, privileges, and appurtenances appertaining or reputed to appertain to land or demised, occupied, or enjoyed therewith or reputed or known as part or parcel of or appurtenant thereto, shall not be deemed incumbrances within the meaning of the Land Transfer Acts, 1875 and 1897.

*Corporations, &c.*

**256.** Where an application for registration as proprietors of land or of a charge is made by a corporation, or a body of trustees, in whom, as such, property from time to time vests, there shall be produced such evidence as the Registrar directs of incorporation, or of the provisions under which the property so vests as aforesaid, as the case may be, and in either case of the power to deal with the land or charge.

**257.** Where the Official Trustee of Charity Lands has been registered as proprietor of leasehold land, he shall continue to have all such immunity (if any) from liability under the registered lease as is conferred on him by the Charitable Trusts Acts, 1853 to 1891.

*Certificates.*

**258.** A land certificate shall be in Form 66 in the First Schedule hereto and the Land Registry Seal shall be affixed to it. It shall be made up in divisions, corresponding to the divisions of the Register, so as to leave room for the addition thereto of subsequent entries in the Register. For this purpose fresh pages may be added to the certificate from time to time as may be necessary.

**259.** A certificate of charge shall certify the registration of the charge and shall contain (1) an office copy of the charge, (2) a description (if no description is contained in the charge) of

the land affected, (3) the name and address of the registered proprietor of the charge, and (4) a list of the prior incumbrances (if any) appearing on the register. There shall also be added such further particulars, if any, as the Registrar shall think fit and the Land Registry seal shall be affixed to it. Notes of subsequent dealings affecting the charge shall from time to time be entered on the certificate.

**260.** Where an office copy of an entry in the Register or of the filed plan of the land or of any document filed in the Registry is annexed to any certificate, it shall for the purposes of Section 80 of the Act of 1875 be deemed to be contained in the certificate itself.

**261.** Any one of two or more persons registered as tenants in common of land or of a charge may, at his option, have a separate certificate. Only one certificate shall be issued unless there be a request for two or more.

**262.** Whenever a certificate is delivered out of the Registry a receipt shall be signed by the recipient.

**263.** Except in the cases mentioned in Section 8, subsections 3 and 4 of the Act of 1897, and in cases falling under Rules 152 and 164 no new certificate shall be issued unless the existing certificate is delivered up to the Registrar to be cancelled.

**264.** Where a certificate is required to be produced to the Registrar but cannot be produced at the Registry without disproportionate trouble, expense, or delay, the Registrar may authorize an officer of the Registry, or a solicitor, to inspect it elsewhere, at the expense of the applicant, and to make the proper endorsement (if any) thereon, and to authenticate the same on behalf of the Registry.

**265.** On any application for registration made by or with the consent of the registered proprietor of the land or of a charge or incumbrance, the Registrar may require the production of the land certificate or certificate of charge or incumbrance, and may refuse to proceed with the application until the certificate is produced.

**266.** When a certificate is produced on the closing of a title or the discharge of a charge or incumbrance, it shall be retained in the Registry and cancelled.

**267.** The Registrar shall have power to retain a certificate produced under Section 8 of the Act of 1897 for the purpose of making an entry thereon. On the registration of any transaction for which the production of a land certificate or certificate of charge is required, the certificate shall, before it is re-issued, be made to correspond with the Register.

**268.** A certificate may be deposited in the Registry with written directions that it is to be held for a specified purpose only. Subject to Rule 267 a certificate so deposited shall



not be used, or be deemed to be in the Registry for any other purpose without the written consent of the person by whom such directions were given, or his successor in title or his solicitor.

*Maps and Verbal Descriptions of Land.*

**269.** The Ordnance Map, on the largest scale published, shall be the basis of all registered descriptions of land.

**270.** The boundaries of the land shall be shown by an edging of red colour. Enlargements and explanatory notes may also be made where it is considered desirable to add them.

**271.** Where for any reason a plan cannot in the opinion of the Registrar be satisfactorily made at once, the registration may be completed provisionally without a filed plan—the Property Register defining the land as precisely as possible and the reference to the plan being omitted from the land certificate. A plan shall nevertheless be made as soon as practicable, and the Property Register shall then be altered accordingly and a corresponding alteration shall also be made on the land certificate at the same time or on the earliest opportunity afterwards.

**272.** If it is desired to indicate on the filed plan, or otherwise to define in the Register, the precise position of the boundaries of the land or any parts thereof, notice shall be given to the owners and occupiers of the adjoining lands, in each instance, of the intention to ascertain and fix the boundary, with such plan, or tracing, or extract from the proposed verbal description of the land as may be necessary, to show clearly the fixed boundary proposed to be registered; and any question of doubt or dispute arising therefrom shall be dealt with as provided by these Rules.

**273.** When the position and description of the boundaries of the land have been thus ascertained and determined, the necessary particulars shall be added to the filed plan and a note shall be made in the Property Register to the effect that the boundaries have been fixed. The plan shall then be deemed to define accurately the fixed boundaries.

**274.** Except in cases in which it is noted in the Property Register that the boundaries have been fixed, the map shall be deemed to indicate the general boundaries only. In such cases the exact line of the boundary will be left undetermined—as for instance whether it runs along the centre of a wall or fence, or its inner or outer face, or how far it runs within or beyond it; or whether or not the land registered includes the whole or any portion of an adjoining road or stream. When a general boundary only is desired to be entered in the Register, notice to the owners of the adjoining lands need not be given. This

rule shall apply notwithstanding that part or the whole of a wall, fence, road, stream, or other boundary is expressly included in or excluded from the title or that it forms the whole of the land comprised in the title.

**275.** Where, and so far as, physical boundaries or boundary marks do not exist, the fullest available particulars of the boundaries shall be added to the plan.

**276.** A plan shall not be accepted for registration until it has been approved by an officer of the Registry, or by such other person as the Registrar shall authorize for the purpose.

**277.** When the necessary plan cannot be prepared without a revision of the Ordnance Map, the officers of the Registry shall, if required by the applicant, make the necessary revision. In districts where registration of title is compulsory, the revision shall be made without charge.

**278.** When an applicant desires to enter any verbal particulars or description of land on the Register, they shall be submitted to the Registrar for his approval. Such particulars shall contain a reference to the filed plan of the land, and shall be compared therewith by an officer of the Registry.

**279.** When such particulars consist of or refer to a detailed list by schedule or otherwise of separate portions of the land, each portion so detailed shall be distinguished, if possible, by a number or other reference in the list and on the filed plan.

**280.** In districts where registration of title is compulsory, the Registrar shall be furnished by the local authorities with particulars of alterations of names and numbers of streets and houses from time to time made, for future reference; and any correction of the Register rendered necessary by such alterations may be made.

**281.** Renewal, revision, or correction of plans and verbal descriptions of land, may be made at any time on the application in writing of the registered proprietor, upon the production of such evidence and the giving of such notices as the Registrar may deem necessary.

**282.** The Registrar shall decide any question arising on a conflict between the verbal particulars and the plan, but the plan shall prevail unless he otherwise directs. On such decision being given the particulars and plan shall be altered accordingly.

#### *Official Search of the Index Map.*

**283.** Any person may apply to the Registrar in writing to make an official search in the Index Map and to issue a certificate of the result. The application shall describe the land to which it relates by means of a copy of or extract from

the Ordnance map on the largest scale published. The Registrar shall on receipt of such application make the search and issue a certificate accordingly. The certificate shall state whether the land is registered or not, and, if registered, whether as freehold or leasehold land, or otherwise as the case may be, and in the case of leasehold land shall also state the date of and parties to the lease.

*Inspection Searches and Copies of the Register.*

**284.** Any entry in the Register, and any document in the custody of the Registrar and referred to in the Register, may be inspected by or under the authority of the registered proprietor of the land or of any charge or incumbrance thereon.

**285.** The Property Register and the filed plan of any title may be inspected by any person interested in the land or in any adjoining land or in a charge or incumbrance thereon. Other entries in the Register and documents referred to therein and the statutory declaration in support of a caution may be inspected by any person interested, on giving three days' notice to the registered proprietor or on satisfying the Registrar that, by reason of the death of a sole registered proprietor, or for any other sufficient reason, he cannot obtain the requisite authority for or consent to such inspection, and that such inspection is reasonable and proper.

**286.** The registered proprietor of the land, or of a charge or incumbrance, may by an instrument in Form 67 in the First Schedule hereto, or to the like effect, authorize an application to be made to the Registrar for information as to the entries in the Register at or prior to the date of such authority. A copy of the authority may be filed in the Registry. The Registrar shall at any time furnish to any person producing the authority such information as to the state of the Register at the date mentioned in the authority as may be reasonably required.

**287.** Except where otherwise provided, inspection of books and documents shall be in the discretion of the Registrar.

**288.** Every inspection shall be made in the presence of an officer of the Registry, and every copy or note of, or extract from any Register or document in the custody of the Registrar shall be made by the person inspecting in pencil only. No ink shall be used.

**289.** Any person authorized to inspect the entries in the Register relating to any title, charge, or incumbrance, may apply to the Registrar in writing, signed by himself or his solicitor, to make an official search (describing the nature of the search required) against such title, charge, or incumbrance, and to issue a certificate of the result; and the Registrar, on

receipt of such application, shall make the search and issue the certificate accordingly. The certificate of the result of such search shall be in Form 68 in the First Schedule hereto.

**290.** The registered proprietor of any land, charge, or incumbrance, may apply to the Registrar by telegraph to search whether any caution, restriction, inhibition or notice has been entered against any such land, charge, or incumbrance since a date to be named; which date must not be earlier than the date of the land certificate or certificate of charge held by the applicant, or, where such certificate has been re-issued, the date on which it was last re-issued.

**291.** The application shall give the number of the title and the parish or place under which it is registered, and in the case of a charge or incumbrance shall give a sufficient description thereof, and shall be signed by the registered proprietor (or by his solicitor, describing himself as such, and giving the name of the proprietor), and shall give the name and address of the person to whom the answer is to be sent. The fee for the search shall be sent by the same telegram, and the reply must be prepaid.

**292.** Upon the receipt of such an application the search shall be made forthwith, and the result "yes" or "no" shall be sent by telegram to the person named in that behalf in the application, repeating the number of the title, the parish or place, the date at which the search commences, and, in the case of a charge or incumbrance, the description thereof.

**293.** When a solicitor or other person obtains an official certificate of the result of a search he shall not be answerable in respect of loss that may arise from any error therein. When the certificate is obtained by a solicitor acting for trustees, executors, or other persons in a fiduciary position those persons also shall not be so answerable.

**294.** An office copy of any entry in the Register, or of any document in the Registry, shall, upon an application in writing by any person who is entitled to inspect such entry or document, be issued to him or his solicitor.

**295.** When any land has been removed from the Register, the last registered proprietor of the land or of any charge thereon may, for a period of two years from the date of such removal, inspect the Register and have office copies of the entries supplied to him. After two years from the removal no inspection shall be allowed, or office copy be issued, except by order of the Registrar, given after satisfying himself that the applicant is interested, and that the application is reasonable.

#### *Appeals and Applications to the Court.*

**296.** In all mere formal matters the decision of the Registrar shall be final, unless the Registrar, or the Court, gives leave to appeal therefrom.

**297.** In all other cases, questions arising before the Registrar upon any application as to the registration of a title, incumbrance, or charge, or as to any dealing with any registered title, incumbrance, or charge, or any matter entered or noted in or omitted from the Register, or as to the amendment or withdrawal from the Register of any certificate or other document, or as to any claim for indemnity (whether such questions relate to the construction, validity, or effect of any instrument, or the persons interested, or the nature or extent of their respective interests or powers, or as to order of priority, or the mode in which any entry should be made or dealt with in the Register, or otherwise) shall be determined by the Registrar, subject to appeal to the Court; but the Registrar may, if he thinks fit, instead of deciding the question himself, refer it at once to the Court for decision.

**298.** Subject to the provisions of Rules 296 and 297, any person aggrieved by an order or decision of the Registrar may appeal to the Court.

**299.** All jurisdiction powers and duties by the Acts or these Rules expressed to be vested in the Court of Chancery, or in the Court, including the hearing of any appeal under Section 116 of the Act of 1875, shall until further order be assigned to and vested in and exercised and performed by the senior Judge for the time being of the Chancery Division of the High Court of Justice. In his absence, or on his request any other Judge of that division—and during vacations any Judge of the High Court acting as vacation Judge—may act for him.

**300.** Upon any application to the Court on reference by or appeal from the Registrar, a statement shall be prepared and signed by the Registrar and forwarded to the Court by him. A copy of such statement shall at the request of any party to the application be delivered to him without charge. Any facts in dispute shall be proved by evidence as the Court shall direct.

**301.** (a.) Appeals under Section 116 of the Act of 1875 shall be by motion.

(b.) Applications requiring the Registrar to do or omit to do any particular thing and not intended to raise a question between the applicant and any other person shall be made by motion, notice of which shall be served in the first instance on the Registrar only, but the Court may direct notice thereof to be served on any other person who, in the opinion of the Court, ought to have such notice.

(c.) All other applications to the Court shall be by summons, to be heard by the Judge in person.

**302.** Upon application to the Court, on reference by, or on appeal from, the Registrar, the summons shall be in Form 69 in the First Schedule hereto, with such variations as the circumstances may require: and shall be addressed to all the

persons upon whom it is to be served; and they shall be named therein as respondents. If the application is by way of appeal, the summons shall be taken out by the appellant: but if by way of reference, it shall be taken out by such person as the Registrar shall direct, who shall be named therein as applicant.

**303.** The summons shall be issued by the Registry duly stamped and sealed. It shall be served, according to the usual practice in the High Court, upon the persons to whom it is addressed, at least seven clear days before the date named in the margin for the hearing thereof. The person served is not required to enter any appearance.

**304.** Upon any other application authorized to be made to the Court by summons the same Form of Summons may be adopted, with all necessary modifications: and the question for the decision of the Court may be set forth either in the body of, or in a Schedule to, the summons, or may be annexed to it.

**305.** When any party to an application fails to attend at the time fixed for the hearing thereof, or any adjournment thereof, the Court shall have the same powers in every respect as if Order liv. Rules 5 to 7 of the Rules of the Supreme Court were herein repeated: and if the Court does not think it expedient to proceed *ex parte*, it may appoint another day for the hearing of the application.

**306.** Upon the hearing of any application the Judge may allow any amendment, or any adjournment of the hearing, or may direct that any other parties shall be brought before the Court, or may remit the matter to the Registrar for his decision; and shall have the same powers in every respect as if the summons had been taken out in an action in the Chancery Division pending before him, and he may make any order or give any directions authorized by Sections 76 and 77 of the Act of 1875.

**307.** The same fees and charges shall be payable in respect of every application to the Court under the Acts and Rules, and of all proceedings consequent thereon, as would have been payable if the applications and proceedings had been made and taken in an action or matter already pending before the Court: and shall be payable by impressed or adhesive stamps in the same manner as other fees in the Registry are now payable.

**308.** No appeal shall be brought from a decision or order of the Registrar, or of the Court, after 21 days from the date of the decision or order, without the leave of the Court, or of the Court of Appeal.

**309.** No appeal from a decision or order of the Registrar, or of the Court, shall affect any dealing for valuable consideration which has been duly registered before a notice in writing of the

intention to appeal has been delivered at the Registry on the part of the appellant. Such notice shall be entered in the Register.

**310.** Service on the Registrar of any order or office copy of any order of any Court shall be made by delivering the same at the Registry. When the order directs rectification of the Register to be made, or any other act to be done, an application therefor shall be delivered at the same time, and the matter shall be proceeded with as the Registrar shall direct. Provided that no such rectification, or act, shall be completed until the expiration of four clear days from the day on which the order is made.

**311.** Subject to the provisions as to costs contained in the Acts; the costs of and incident to all applications to the Court upon reference or appeal or otherwise shall be in the discretion of the Court.

**312.** Every summons when disposed of shall be filed in the Registry with the duplicate order made thereon. The duplicate order made on a motion shall also be filed in the Registry.

#### *References to Counsel.*

**313.** The Examiners of Title for the purposes of these Rules shall be the Conveyancing Counsel to the High Court, and such other barristers experienced in conveyancing as the Lord Chancellor shall from time to time appoint, and the business referred to them shall be distributed in rotation.

**314.** Any person may object to the opinion given by any Examiner of Title, and thereupon the point in dispute shall be decided by the Registrar. And he may, if he thinks fit, under special circumstances, direct or transfer a reference to any one in particular of the Examiners of Title.

**315.** When, in the course of any proceeding in the Registry, a question arises which, in the opinion of the Registrar, involves for its determination any special exceptional knowledge of some branch of law which rarely arises for consideration, the Registrar may obtain the advice or assistance therein of any competent person whom he may select, and may act upon his opinion.

#### *Abatement.*

**316.** In case of death or transmission or change of interest pending an application for registration the proceedings shall not abate, but may be continued by any person entitled to apply for registration who desires to adopt them.

*Abstracts and Documents.*

**317.** All abstracts and copies of documents and all documents for registration delivered at the Registry shall be retained there, pending completion of the registration to which they relate; and afterwards such of them as have not under these Rules to be retained in the Registry shall be dealt with as the Registrar shall direct. Abstracts and documents left for reference or otherwise shall be examined and verified by such persons and in such manner as the Registrar shall direct.

**318.** The Registrar may require an abstract or concise statement of any deeds and documents delivered at the Registry for perusal in the course of any registration proceeding to be furnished and duly verified.

**319.** All documents (other than maps or plans) to be filed in the Registry shall be printed, type-written, lithographed, or written on stout paper, foolscap size, and shall allow a sufficient stitching margin, in order that they may be conveniently bound.

**320.** Every copy of a document delivered by a solicitor at the Registry shall be endorsed with his name and address, and shall be certified by him to be a true copy of the original. Such copy need not be stamped.

**321.** All documents not required by the Acts or Rules to be retained in the Registry may, when no longer required, be returned to the persons who produced the same, or their successors in title, and the Registrar may direct the destruction of any documents which such persons decline to accept. The Registrar may also direct the destruction of any documents in his possession or custody where they have become altogether superseded by entries in the Register, or have ceased to have any effect.

*Preparation and Service of Notices and Summonses.*

**322.** All notices and summonses (not being applications to the Court) required to be given or served for any purpose shall be prepared on the official forms and under the stamp of the Registry. If the service of the notices or summonses is personal, it shall be proved by statutory declaration; if the service is through the post, it shall be made by registered letter, in conformity with Section 90 of the Act of 1875; except in the case of notices under Rule 118, which need not be registered.

**323.** Every notice issued or sent by or through the Registry (other than notices sent under Rule 118) shall fix a time within which any act or step required by such notice to be done or taken thereunder is to be done or taken; and shall state what will be the consequence of any omission to comply therewith. It shall also state in what manner and within what time any answer or objection or other communication arising out of such notice is to be made, and the address at or to



which it is to be delivered or sent. All subsequent proceedings thereunder shall be conducted in accordance with these Rules; and, so far as they do not apply, in such manner as the Registrar shall direct.

**324.** Every notice, sent through the post, shall unless returned by the Post Office, and in the absence of evidence of its actual delivery, be deemed to have been received by the person addressed within seven days of its issue, exclusive of the day of posting, and the time fixed by the notice for taking any step thereunder is to be calculated accordingly. A copy of this Rule shall be set out at the foot of or endorsed on each such notice.

**325.** On the return by the Post Office of any letter containing any notice, the Registrar may either require any further notice to be given, or may authorize substituted service of the notice; or may proceed without notice, if, under the circumstances, and having regard to these Rules, he shall think fit to do so.

#### *Addresses for Service.*

**326.** The address of any person as entered in the Register shall, unless he shall otherwise direct, be his address for service. Any person may, if he desires, have two addresses entered in the Register, to each of which all notices and other communications to him are to be sent.

#### *Statutory Declarations and Evidence on Oath.*

**327.** Statutory declarations made for the immediate purpose of being filed, read, or used in the Registry are not chargeable with any Inland Revenue Stamp Duty. Statutory declarations to be used in the course of registration may be made before the Registrar, or any officer of the Registry authorized by him in writing, or before any person authorized by law to take statutory declarations. All declarations shall be filed in the office, and office copies thereof shall (if required) be taken for use.

The Registrar may, if he think fit, require evidence to be given *vivâ voce* before him on oath.

#### *Neglected Applications to be treated as withdrawn.*

**328.** When in any matter pending in the Registry no step has been taken for a period of two months, notice may be given to the applicant, or his solicitor, that the matter will be treated as abandoned unless duly prosecuted within a time (not being less than one month), to be fixed by the Registrar, and named in the notice; and at the expiration of that time, the matter, if not prosecuted, may be treated as abandoned.

#### *Cancellation of Fee Stamps.*

**329.** Every officer of the Land Registry who shall receive any document to or upon which an adhesive fee stamp shall be

affixed, shall immediately on receipt thereof deface the stamp thereon.

*Evidence of Value may be required.*

**330.** For the purpose of enabling the Registrar to determine the fees payable in any case where the value of the land does not appear on the face of the documents produced, and is required to be known, the Registrar may require such evidence of value to be furnished as he may deem fit. In ordinary cases a written certificate of value by a solicitor in Form 70 in the First Schedule hereto may be accepted as sufficient. Such certificate is exempted from stamp duty.

*Forms to be supplied without payment.*

**331.** Ordinary printed forms for use in the Registry shall be supplied free of charge to applicants for registration.

*Summonses of Witnesses, and for Production of Documents.*

**332.** When any summons has been issued by the Registrar under Section 109 of the Act of 1875, as extended by Section 8 of the Act of 1897, to be served upon any person not bound to attend or produce documents at his own expense, the declaration verifying the service thereof shall also prove that the reasonable charges of the attendance of the person summoned, and of his production of the documents (if any) required to be produced, have been paid or tendered to him.

**333.** The Registrar shall have the like power with regard to the issue of summonses in respect to any proceeding in the Registry as is conferred on him by Sections 71 and 109 of the Act of 1875 in relation to the registration of any land or title.

*Costs.*

**334.** All costs incurred in any proceeding in the Registry shall be in the discretion of the Registrar, having regard to the provisions as to costs contained in the Acts and these Rules; and shall, unless the parties otherwise agree, be taxed as the Registrar shall direct by the taxing officers of the Supreme Court. Any order made by the Registrar as to costs may be enforced in the mode provided by Section 73 of the Act of 1875 with respect to costs, charges, and expenses incurred in or about proceedings for registration of land.

**335.** All costs of and incident to the examination and proof of title (including fees of counsel when not provided to be borne by the Registry) and the costs of all searches and enquiries in relation to the title shall be paid by the applicant.

**336.** The remuneration of solicitors in, or incidental to, or consequential on the registration of land and transactions in the Registry shall be regulated in the matters hereinafter mentioned as follows:—

(A.) For the registration of freehold or leasehold land with an absolute or qualified title, or the registration of leasehold land with a good leasehold title:—

(i.) Where the title has been deduced or investigated by the solicitor on the occasion of a sale purchase or mortgage inducing registration, or where a good leasehold title is registered in the name of the original lessee, or where a transfer is made from the Register kept under the Land Registry Act, 1862, the Remuneration Order, 1882, excepting Part I. of Schedule I. to that Order, shall regulate the remuneration.

(ii.) In cases not otherwise provided for, the remuneration shall be that prescribed in Part I. of the Second Schedule hereto.

(B.) For the registration of freehold or leasehold land with a possessory title:—

(i.) Where the solicitor has acted for the applicant on the occasion of

(a) a purchase of freehold or leasehold land inducing registration, or

(b) a grant of a lease inducing registration, one guinea for every £1,000, or part of £1,000, in value, with a maximum fee of ten guineas.

(ii.) In cases not otherwise provided for, the remuneration shall be that prescribed in Part II. of the Second Schedule hereto.

(C.) For every completed transfer, charge, exchange, or partition of registered land or of a registered charge:—

(i.) Where no title outside the Register is investigated, the remuneration shall be that prescribed in Part II. of the Second Schedule hereto.

(ii.) Where title outside the Register is investigated, the Remuneration Order, 1882, excepting Part I. of Schedule I to that Order, shall regulate the remuneration for the preparation and investigation of the title and for completing the transaction on the Register.

(D.) In applying the scales in the Second Schedule hereto and in paragraph (B) of this Rule to the entry of the original grantee of freehold land wholly or partly in consideration of a rent, or of the original lessee of leasehold land, the remuneration shall be calculated upon the value of the rent taken at 25 years' purchase, plus the amount of the money payment or premium if any. Provided that the remuneration for registration, where no title is investigated, shall not exceed the charges of the solicitor of the grantee or lessee under the Remuneration Order, 1882, for perusal of the draft conveyance or lease and for completion.

(E.) In all cases in which a solicitor would be entitled to charge under Part I. of Schedule I. of the Remuneration Order, 1882, for negotiating a sale, purchase, or loan, or for conducting a sale by auction, he shall be entitled to make the same charges in respect of a similar transaction respecting registered land.

(F.) The remuneration hereby authorized shall not include the disbursements, extra work, business, or proceedings which under Section 4 of the Remuneration Order, 1882, are not to be included in the remuneration prescribed by Schedule I. to that Order.

(G.) When a solicitor is concerned for the proprietor of land and also for a person taking a charge thereon, he is to be entitled to receive the charges of the solicitor of the person taking the charge, and one-half of those that would be allowed to the proprietor's solicitor up to £5,000, and on any excess above £5,000 one-fourth thereof.

(H.) If the solicitor conducting the business acts on behalf of several parties having distinct interests proper to be separately represented, he is to be entitled to make for each such party after the first, an additional charge not exceeding £2 2s. in each case.

(I.) In all cases to which the scales fixed herein or in the Second Schedule hereto apply, a solicitor may, before undertaking the business, by writing under his hand communicated to the client, elect that his remuneration shall be according to the Remuneration Order, 1882, excepting Schedule I. to that Order.

(J.) In all transactions, the remuneration for which is not hereby provided for, the Remuneration Order, 1882, excepting Part I. of Schedule I. to that Order, shall regulate the remuneration of the solicitor.

#### *Questions arising on Registration.*

**337.** If at any time during any investigation of title, or in any registration or other proceeding in the Registry, any question or doubt or dispute arises, notice may, with the consent of the Registrar, be given by the applicant to any person interested in such question or doubt or dispute, to the effect that the same will be heard by the Registrar at a time to be mentioned in the notice, and that he may attend before the Registrar at that time, in person, or by his solicitor or counsel; and on the day appointed the Registrar shall proceed to determine the matter.

#### *Examinations of Married Women.*

**338.** When any married woman has to be examined in regard to any proceeding in the Registry, the matter or thing to which her consent is to be given, or the act to be done by her, or the proceeding to be taken, shall be reduced into or stated in writing before the examination is made.

**339.** The examination may be made by the Registrar, or any officer of the Registry authorized by him in writing or by any person authorized by law to take acknowledgments of deeds by married women.

**340.** When the examination is not made by the Registrar the person, by whom it is made, shall certify the result thereof to the Registrar in writing in Form 71 in the First Schedule hereto, or to the like effect. And if such person is not an officer of the Registry, the certificate shall be verified by a statutory declaration in Form 72 in the same Schedule, or to the like effect.

*Discretionary Power of Registrar.*

**341.** The Registrar, if he so think fit, may, in any particular case, extend the time limited, or relax the regulations made by general rules, for any purpose; and may at any time adjourn any proceeding, and make any fresh appointment; and if at any time he is of opinion that the production of any further documents, or evidence, or the giving of any further notices is necessary or desirable, he may refuse to complete or proceed with a registration, or to do any act, or make any entry until such further documents, or evidence, or notices have been supplied or given; and the Registrar shall have generally a discretionary power in all mere formal matters.

*Acting Registrar.*

**342.** During a vacancy in the office of Registrar, or (subject to any regulations which the Registrar may make) in the absence of the Registrar, the senior Assistant Registrar for the time being present at the Registry shall be styled the Acting Registrar, and may perform and exercise all the functions and authorities by the Acts or Rules vested in the Registrar.

*Holidays.*

**343.** The Registry shall be open to the public daily, except on Sundays, Good Friday, Easter Eve, Monday and Tuesday in Easter week, Monday in Whitsun week, Christmas Day and the next following working day, and all days duly appointed by proclamation to be observed as days of general fast, humiliation, or thanksgiving, and any other days appointed by the Lord Chancellor in that behalf.

*Former Rules Rescinded.*

**344.** The Land Transfer Rules, 1898, the Land Transfer Rules, June, 1899, and the Land Transfer Rules, February, 1903, are rescinded.

*Short Title and Commencement.*

**345.** These Rules may be cited as the Land Transfer Rules 1903, and shall come into operation on the first day of January, 1904.

## *The First Schedule.*

### FORM 1.—*Application for Registration with a Possessory Title.* (Rule 18.)

#### LAND REGISTRY.

#### Land Transfer Acts, 1875 and 1897.

I, A.B., of &c., hereby apply to be registered as proprietor with possessory title of the land in the parish of \_\_\_\_\_ shown and edged with red on the accompanying plan (or comprised in the accompanying deed, or any other particulars sufficient to enable the land to be fully identified on the Ordnance map) the value of which, with all buildings and timber thereon, does not, to the best of my belief, exceed £ \_\_\_\_\_.

Where it is desired that a particular verbal description be entered in the register, add I also desire the following verbal description to be entered on the register :—

(Fill in the proposed verbal description.)

To be signed by the applicant or (except where a nominee is to be registered) by his solicitor.

### FORM 2.—*Statutory Declaration by an Applicant for Registration with a Possessory Title.* (Rule 18.)

(Heading as in Form 1.)

I, A.B., of &c., solemnly and sincerely declare as follows :—

That I am in possession, [or receipt of the rents and profits] of the land shown and edged with red on the plan [and—if it is desired that a particular verbal description be entered on the Register—described in the verbal description], now produced and shown to me marked [and \_\_\_\_\_] and that I am entitled thereto in fee simple for my own benefit (or otherwise as the case may be), and that the value of the land, with all buildings and timber thereon does not, to the best of my belief, exceed £ \_\_\_\_\_.

And I make, &c.

*Note.*—If sufficient particulars to enable the land to be fully identified on the Ordnance map can be furnished without a plan, no plan need be exhibited, and the declaration can be altered accordingly.

If the declaration is made by the solicitor, the form must be altered accordingly, and the deponent must be described as the solicitor of the applicant.

### FORM 3.—*Application for Registration with an Absolute Title.* (Rule 30.)

(Heading as in Form 1.)

I, A.B., of &c., hereby apply to be registered as proprietor with absolute title of the land in the county of \_\_\_\_\_ and parish of \_\_\_\_\_ known as \_\_\_\_\_ consisting of (fill in short particulars of the land sufficient to identify it) the value of which, with all buildings and timber thereon, does not, to the best of my belief, exceed £ \_\_\_\_\_.

To be signed by the applicant or (except when a nominee is to be registered) by his solicitor

**Land Transfer Acts, 1875 and 1897.**

The following applications have been made for registration with Absolute Title :—

No. of Application.	The Land.				The Applicant.		
	County.	Parish or Place.	Name and Short Description.	Freehold or Leasehold.	Name.	Address.	Description.

**FORM 5.—Statutory Declaration on Completion of an Absolute or Qualified Title. (Rule 47.)**

(Heading as in Form 1.)

Application, No.

We, A.B., of &c., and C.D., of &c., solicitor, severally solemnly and sincerely declare, to the best of our respective knowledge, information, and belief, as follows:—

1. That all deeds, writings, and instruments of title, and all leases, charges and incumbrances affecting the title to the land which is the subject of the above-mentioned application, and all facts material to such title have been disclosed in the course of the investigation of the said title made by the Registrar.
2. That the map marked "A" now produced to us comprises, within the part edged with red, the whole of such land, and no more than such land.
3. That the actual possession, or receipt of the rents and profits, of such land is in accordance with the title of the applicant as deduced to the Registrar, and that the value of the land with all buildings and timber thereon [or of the leasehold interest] does not exceed £

4. That the said applicant is not a bankrupt, nor has any receiving order been made against him.

5. That there is no *lis pendens*, land charge, or other similar incumbrance, registered or unregistered, in existence, affecting the said land.

6. That the means of our respective knowledge, information, and belief are as follows (that is to say) :—[*fill in means of knowledge, &c.*].

And we severally make, &c.

*Note.*—If the applicant has no solicitor the declaration may be altered accordingly.

**FORM 6.**—*Restriction where Tenant for Life is registered as Proprietor (a short form).* (Rules 81 and 129.)

Except under an order of the Registrar, no transfer is to be registered unless made on sale, the purchase moneys being paid to A.B., of &c., and C.D., of &c. (*the trustees of the settlement*), or into Court.

No charge is to be registered except under an order of the Registrar.

**FORM 7.**—*The same (a full form).* (Rules 81 and 129.)

Except under an order of the Registrar, no transfer of the land is to be registered unless made on sale or exchange, the purchase moneys on sale being paid to A.B., of &c., and C.D. of &c. (*the trustees of the settlement*), or into Court, and the transfer on exchange being made to the said E.F., of &c. (*the tenant for life*).

No transfer of the mansion house and land shown and edged with red on the filed plan, No. \_\_\_\_\_, is to be registered without the consent of the said A.B. and C.D. or an order of the Court.

Except under an order of the Registrar, no charge is to be registered unless expressed to be for one of the purposes for which a tenant for life is authorised by law to raise money on mortgage of the settled land, the money being paid to the said A.B. and C.D.

**FORM 8.**—*Where the Trustees of the Settlement are entered as Proprietors.* (Rule 81.)

Except under an order of the Registrar, no transfer is to be registered without the consent of A.B., of &c. (*tenant for life*), or (*where there are several tenants for life and section 6 of the Settled Land Act, 1884, applies*) C.D., of &c., or E.F., of &c.

No charge is to be registered except under an order of the Registrar.

*Note.*—This form may be amplified, according to circumstances, similarly to Form 7.

**FORM 9.**—*Addition to the above restrictions.* (Rule 81.)

Where there are limited powers of charging, insert at the beginning of the restriction against Charging "If and when the land has been charged to the extent of £ \_\_\_\_\_ no further charge is to be registered &c.," as in Form 6 or 7.

**FORM 10.**—*Restriction where land is settled subject to such uses as two persons, entered as proprietors, shall jointly appoint.* (Rule 81.)

After the death of either of the proprietors no transfer or charge is to be registered except under an order of the Registrar.



**FORM 11.**—*Restriction where there are no trustees of the Settlement and tenant for life is registered as proprietor. (Rule 81.)*

No transfer or charge is to be registered except under an order of the Registrar.

**FORM 12.**—*Additional restriction where tenant for life is registered as proprietor and has incumbered his beneficial interest without reserving his right to exercise his statutory powers. (Rule 81.)*

Except under an order of the Registrar no transfer or charge is to be registered without the consent of A.B., of &c. (the mortgagee of the life interest).

**FORM 13.**—*Restriction on Charity Land. (Rules 83 and 150.)*

No disposition is to be registered without the consent of The Charity Commissioners [The Board of Education] or an order of the Registrar.

**FORM 14.**—*Caution (under the 60th section of the Act of 1875) against entry of Land on the Register. (Rule 88.)*

(Heading as in Form 1.)

(*Date.*) A.B. [*the cautioner*] of &c., is entitled to notice of any application that may be made for the registration of the freehold land (*or* leasehold land held under a lease dated &c., and made between A.B., of &c., of the one part, and C.D., of the other part, for the term of      years from (*date*) *or otherwise as the case may be*) shown and edged with red on the plan attached hereto.

(To be signed by the cautioner or his solicitor.)

*Note.*—The statutory declaration in support (in the next form) must set forth the interest in respect of which the cautioner claims to be entitled to object to any disposition of the land being made without his consent.

The form can be adapted to the case of a manor or an advowson or other incorporeal hereditament.

If the cautioner's address is not within the United Kingdom, an address for service within it must also be given.

**FORM 15.**—*Statutory Declaration in support of a Caution. (Rules 90 and 226.)*

(Heading as in Form 1.)

I, A.B., of &c., solemnly and sincerely declare that I am interested in the land (*or* charge) referred to in the caution now produced and shown to me marked A [*here state the nature of the declarant's interest* "as beneficial owner in fee simple," "beneficially entitled to the lease referred to therein," "tenant for life within the meaning of the Settled Land Acts," "purchaser under a contract for sale, dated, &c.," "plaintiff in an action in the Chancery Division of the High Court of Justice, *B. v C.*, 1897, B 145," "equitable mortgagee under a memorandum of charge dated      , under the hand of      , " *or as the case may be*].

And I make, &c.

(To be declared by the cautioner, or, with the necessary alterations, by his solicitor.)

**FORM 16.—Notice (under the 60th and 62nd sections of the Act of 1875) of an application to register Land. (Rule 91.)**

**LAND REGISTRY.**

**Land Transfer Acts, 1875 and 1897.**

District \_\_\_\_\_

Parish \_\_\_\_\_

No. of Application \_\_\_\_\_

Notice.—C.D., of &c., has applied to be registered (or to have registered in his stead E.F., of &c.) as proprietor of the land in the parish (or *extra parochial place*) of \_\_\_\_\_ in the county of \_\_\_\_\_ affected by the caution dated the (date), lodged by you in the Land Registry (at \_\_\_\_\_), and if you intend to appear and oppose such registration you are to enter an appearance for the purpose by lodging an objection to the registration in accordance with Rule 41 at the Registry before the expiration of 14 days from the date of the service of this notice. Unless you so appear, the registration will be proceeded with in your absence.

Dated the \_\_\_\_\_ of \_\_\_\_\_, 19 \_\_\_\_.

**FORM 17.—Application to withdraw a Caution against entry of Land on the Register. (Rule 92.)**

(Heading as in Form 1.)

I, A.B., of &c., (the cautioner) hereby apply to withdraw the caution lodged on the (date), (so far as it relates to the land shown and edged with red on the plan annexed hereto).

(To be signed by the applicant or his solicitor.)

**FORM 18.—Priority Notice (under Rule 95) for entry of Land on the Register.**

(Heading as in Form 16.)

To the Registrar.

Take notice that I, A.B., of &c., desire to reserve priority for an application for registration of myself as first proprietor of the freehold [leasehold] land shown and edged with red on the plan attached hereto, which I have contracted to purchase [for the residue of a term of \_\_\_\_\_ years from the (date) created by a lease, dated the (date) and made between \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_].

(To be signed by the applicant or his solicitor.)

**FORM 19.—Priority Notice (under Rule 117) in respect of a Dealing with registered Land or a Charge.**

**LAND REGISTRY.**

**Land Transfer Acts, 1875 and 1897.**

District \_\_\_\_\_

Parish \_\_\_\_\_

No. of Title \_\_\_\_\_

To the Registrar.

Take notice that I, A.B., of &c., desire to reserve priority for an instrument of transfer from myself to C.D., of &c., of the whole of the land comprised in the title above referred to (or otherwise as the case may be).

(To be signed by the applicant or his solicitor.)

FORM 20.—*Instrument of Transfer of Land.* (Rule 126)

## LAND REGISTRY.

Land Transfer Acts, 1875 and 1897.

District \_\_\_\_\_

Parish \_\_\_\_\_

No. of Title \_\_\_\_\_

(*Date.*) In consideration of \_\_\_\_\_ pounds (£ ) I, A.B., of &c., hereby transfer to C.D., of &c., the land comprised in the title above referred to.

Signed, sealed, and delivered }  
by the said A.B., in the pre- } (*Signature of A.B.*) (Seal.)  
sence of E.F., of &c. }

*Note.*—Where the transfer is made under section 9, subsection 6 of the Act of 1897, and deals with part only of the land comprised in a title, or is made under Rule 96, the number of the title must be left blank, and instead of the words "the title above referred to" a reference to the last preceding document of title containing a description of the land must be inserted.

When the consideration is advanced by different persons in separate sums, or does not consist, or wholly consist, of money, its nature, or the separate payments made, may be concisely stated.

When the transfer is to two or more jointly, no addition need be made to the form.

Where it is to two or more as tenants in common, one of the following forms may be used: "to C.D. and E.F. in equal shares," "to C.D. four-fifths, and to E.F. one-fifth of," and so on. Where the transferor retains a share, add the words "and I the said A.B. retain \_\_\_\_\_ share or shares."

The amount of the consideration should be stated in words, and repeated in figures—as, for instance, "three hundred and seventy pounds (£370)."

FORM 21.—*Instrument of Transfer of part of the Land comprised in a Title* (Rule 127.)

As Form 20, adding after "the land" these words, "shown and edged with red on the accompanying plan and known as [and—if it is desired that a particular verbal description be entered on the Register—described in the Schedule hereto] being part of the land comprised in the title above referred to."

Add Schedule, if any.

(To be executed as Form 20 by the transferor. The plan must be signed by the transferor and by or on behalf of the transferee.)

FORM 22.—*Instrument of Transfer of Freehold Land to give effect to a Settlement, Tenant for Life to be registered as Proprietor.* (Rule 128.)

## LAND REGISTRY.

Land Transfer Acts, 1875 and 1897.

District \_\_\_\_\_

Parish \_\_\_\_\_

No. of Title \_\_\_\_\_

(*Date.*) In pursuance of the provisions of a settlement dated, &c., and made between, &c. (or created by the will of &c.), under which A.B., of &c., is (or has the powers of a) tenant for life under the Settled Land Acts, 1882

to 1890, and C.D., of &c., and E.F., of &c., are the trustees of (or with power of sale under) the said settlement, I, G.H., of &c., with the consent of the said A.B., hereby transfer to him the land comprised in the title above referred to, to hold to the uses, on the trusts and subject to the powers and provisions which under the settlement, or by reason of the exercise of any power of charging therein contained, are subsisting with respect to the settled land, or as near thereto as circumstances permit, but not so as to increase or multiply charges or powers of charging, and we, the said C.D. and E.F., apply for the registration of the following restriction [fill in the appropriate restriction].

(To be executed as Form 20 by transferor, tenant for life, and trustees.)

*Note 1.*—Where other registered land is subject to the settlement, and incumbrances under the settlement are protected by a charge or otherwise on the register, the following should be added :—

And I, the said A.B., hereby apply to the Registrar to note the extension of the charge, caution, restriction, &c., &c, No. , in the proprietorship (or charges) register of title No. to the above land.

*Note 2.*—Where the existing registered proprietor is to be tenant for life no transfer will be required, but only an application by the trustees, with his consent for the appropriate restriction.

*Note 3.*—For leasehold land, see Form 27.

**FORM 23.—Instrument of Transfer of Freehold Land to give effect to a Settlement, Trustees to be registered as Proprietors. (Rule 128.)**

Follow Form 22, substituting after the words “hereby transfer to” the names of the trustees for the word “him.”

(To be executed as Form 20 by transferor, tenant for life, and trustees.)

See Notes 1 and 3 to Form 22.

**FORM 24.—Instrument of Transfer of Freehold Land to give effect to a Settlement, Donees of an overriding Power of Appointment to be registered as Proprietors. (Rule 128.)**

Follow Form 22, inserting after the words “under which” the words “the limitations are to such uses as A.B., of &c., and C.D., of &c., shall jointly appoint, and subject thereto to various uses under which,” down to “said settlement,” and then continue: I [transferor], with the consent of [tenant for life] hereby transfer to the said A.B. and C.D. the land [etc. as in Form 22].

(To be executed as Form 20 by the transferor, donees of the power tenant for life, and trustees.)

*Note.*—Where the existing registered proprietor is one of the donees of the power the form will be the same, except that the words of transfer will be “to myself and [the other donee].”

See Notes 1 and 3 to Form 22.

**FORM 25.—Instrument of Transfer of Freehold Land purchased with Capital Money liable to be laid out in the Purchase of Land to be assured to the uses of a Settlement, Tenant for Life, or Trustees to be registered as Proprietors. (Rule 128.)**

(Heading as in Form 22.)

(Date.) In consideration of pounds (£ ) paid out of capital money arising under a settlement dated, &c. [continue as in Form 22 or 23 according to circumstances].

(To be executed as Form 20 by transferor, tenant for life, and trustees.)

See Notes 1 and 2 to Form 22.

**FORM 26.—*The like, the Donees of a joint overriding Power of Appointment being registered as Proprietors. (Rule 128.)***

(Heading as in Form 22.)

(*Date.*) In consideration of                      pounds (£                      ) paid out of capital moneys arising under a settlement dated, &c., and made between, &c., (or created by the will of, &c.), under which land is limited to such uses as A.B. of &c., and C.D., of &c., shall jointly appoint, and subject thereto to various uses by virtue of which the said A.B. is (or has the powers of a) tenant for life under the Settled Land Acts, 1882 to 1890, and G.H., of &c., and J.K., of &c., are trustees of the settlement, I, E.F., of &c., with the consent of A.B. as tenant for life, hereby transfer to him and the said C.D. the land comprised in the title above referred to, and we, the said G.H. and J.K., hereby apply for the entry on the Register of the following restriction [*fill in Form 10*].

(To be executed as Form 20 by the transferor, donees of the power, tenant for life, and trustees.)

See Notes 1 and 3 to Form 22.

**FORM 27.—*Instrument of Transfer of Leasehold Land to give effect to a Settlement. (Rule 128.)***

Follow Form 22, 23, 24, 25 or 26 according to circumstances, substituting after the words "to hold" the words "on trusts and subject to powers and provisions corresponding, as nearly as the law and circumstances permit, with the uses trusts powers and provisions which under the settlement or by reason of the exercise of any power of charging therein contained are subsisting with respect to the settled freehold land but not so as to increase or multiply charges or powers of charging so nevertheless that the beneficial interest in the land shall not vest absolutely in a person who is by the settlement made by purchase tenant in tail, or in tail male, or in tail female, and who dies under the age of twenty-one years but shall, on the death of that person under that age, go as freehold land conveyed as aforesaid would go."

**FORM 28.—*Instrument of Transfer of land without the Mines and Minerals (Rule 134.)***

As Form 20, adding after "above referred to" the words, "except the mines and minerals under the same."

**FORM 29.—*Instrument of Transfer of Land with certain specified Mines and Minerals only. (Rule 134.)***

As Form 20, adding after "above referred to" the words "except the mines and minerals under the same other than," followed by a description of the mines and minerals to be transferred.

**FORM 30.—*Instrument of Transfer of Land, with the Mines and Minerals, excepting only certain specified Mines and Minerals. (Rule 134.)***

As Form 20, adding after "above referred to" the word "except" followed by a description of the mines and minerals not to be transferred.

**FORM 31.—Instrument of Transfer of the Mines and Minerals without the Land. (Rule 135.)**

As Form 20, adding before "the land" the words, "the mines and minerals under."

**FORM 32.—Instrument of Transfer of certain specified Mines and Minerals without the Land. (Rule 135.)**

As Form 20, down to "C.D. of &c.," and then continue: "Such of the mines and minerals under the land comprised in the title above referred to as are here described, namely," followed by a description of the mines and minerals to be transferred.

**FORM 33.—Instrument of Transfer, without the Land, of the Mines and Minerals, except certain specified Mines and Minerals. (Rule 135.)**

As Form 20, down to "C.D. of &c." and then continue: "The mines and minerals under the land comprised in the title above referred to, except" followed by a description of the mines and minerals not to be transferred.

**FORM 34.—Instrument of Transfer of Land in exercise of a power of Sale contained in a Registered Charge. (Rule 137.)**

As Form 20, adding after "(£     )" the words, "and in exercise of the power of sale conferred by the charge, dated, &c., and registered, &c." and at the end, "discharged from the said charge."

**FORM 35.—Instrument of Transfer of Leasehold Land. (Rule 138.)**

As Form 20, adding at the end "for the residue of the term granted by the registered lease."

Where it is intended to negative the covenants implied by section 39 of the Act of 1875, or Rule 139, the following words may be added to the form :—

"The covenant by the transferor (or transferee, or the covenants by the transferor and transferee) implied by section 39 of the Act of 1875 (or Rule 139) is (or are) not to be implied."

**FORM 36.—Instrument of Transfer of Land to a Company or Corporation. (Rule 144.)**

(Heading as in Form 20.)

(Date.) In pursuance of a licence [ &c., describing it, or, of the Act, ] I, A.B., of &c. [the registered proprietor] hereby transfer to [fill in the corporate name of the transferee, adding, if a corporation sole, "and his successors"] all the land [ &c., as in Form 20 or 21 to the end of the Form].

(To be executed as Form 20.)

*Note.*—If the licence or statute contains any limit to the extent of land which may be conveyed or held, or any provisions as to the purposes for which it may be used, add at the end of the form: "And it is hereby declared that the land already held by the transferees under such licence (or Act), together with the land hereby transferred, does not exceed acres (or that no land other than that hereby transferred is held by the transferees), and that the present transfer is for the purposes of [fill in the purposes for which the land is to be used]."

**FORM 37.—Instrument of Transfer of Land for Charitable Uses. (Rule 145.)**  
(Heading as in Form 20.)

(Date.) In pursuance of the Act of (or other authority which under the transfer is made), I, A.B. [the registered proprietor], hereby transfer to C.D., of &c., all the land [&c., as in Form 20 or 21 to the end of the form] for the purpose of a public park (or museum, church, school, or as the case may be).

(To be executed as Form 20.)

*Note.*—If the statute contains any limit to the extent of land which may be conveyed or held, or any provisions as to the purposes for which it may be used, add a clause similar to that to be added at the end of Form 36 in the like case.

**FORM 38.—Certificate as to Vesting in an Incumbent or other Ecclesiastical Corporation. (Rule 147.)**

(Date.) This is to certify that the land (or hereditaments, &c.) comprised in a [describe the transfer] would under the provisions of [state the statute] (if such transfer were a conveyance under such Act), vest in the incumbent of (or bishop of, as the case may be) and his successors immediately (or as the case may be) upon the happening of the event following, namely, the

(To be sealed by the Ecclesiastical Commissioners.)

**FORM 39.—The like Certificate under the New Parishes Acts. (Rule 148.)**

(Date.) This is to certify that the land (or hereditaments, &c.) comprised in a [describe conveyance or transfer, &c.] would, by the operation of the New Parishes Acts, 1843 to 1884, have vested in the incumbent of and his successors.

(To be sealed by the Ecclesiastical Commissioners.)

**FORM 40.—The like Certificate under Rule 149.**

(Date.) This is to certify that the [describe Scheme and Order in Council, or instrument or conveyance, &c.] would operate to vest immediately (or, on publication in the London Gazette, or at some subsequent period, as the case may be), the land (or other hereditaments, describing it or them by reference to the register if possible) in the [describe the corporation or person].

(To be sealed by the Ecclesiastical Commissioners.)

**FORM 41.—Instrument of Transfer of Land subject to restrictive conditions under section 84 of the Act of 1875. (Rule 153.)**

As Form 20 or 21, adding at the end, "subject to the following restrictive conditions namely":—[here add the restrictive conditions, as for instance:—

1. No house on the land shall be used otherwise than as a private dwelling house.
2. The building line shown on the plan shall be observed.
3. Nothing shall be done or permitted on the land that shall be a nuisance to the owners of adjoining land.
4. No house shall be erected of a less value than £500.]

(To be executed as Form 20 by both parties.)

*Note.*—The conditions must be so framed as to be clear and intelligible when placed in the Register of the land transferred, without reference to any document or matter of law or fact which does not appear thereon.

Only restrictive covenants can be registered. Covenants to expend money or to do any work on the land may be added to the transfer, but will not be expressly noticed in the Register.

**FORM 42.—Instrument of Exchange. (Rule 154.)**

(Heading as in Form 20.)

(*Date.*) In consideration of the transfers hereinafter contained (and, *if so*, of the sum of        pounds (£        ) paid by C.D. for equality) I, A.B., of &c., hereby transfer to C.D., of &c., the land, shown and edged with red on the accompanying plan, signed by me and by the said C.D. (*or* the plan attached hereto *or* endorsed hereon), and I, the said C.D. hereby transfer to the said A.B. the land shown and edged with green on the same plan (and, *if so*, I, the said A.B., hereby apply to have the said land, edged with green added to the land comprised in title No.       , of which I am the registered proprietor. and I, the said C.D., apply to have the said land, edged with red, added to the land comprised in title No.       , of which I am the registered proprietor).

(To be executed as Form 20 by both parties.)

*Note.*—If preferred, the transaction may be carried out by two instruments in Form 20 or 21, altering the consideration as follows:—

“In consideration of a transfer (or conveyance) of even date herewith (and, *if so*, of the sum of        pounds (£        ) paid to me for equality).”

When and so far as the land taken in exchange is not registered, the conveyance thereof will be in the ordinary form.

If it is desired that a particular verbal description of the land be entered in the Register, add after the word “plan” or “hereon,” as the case may be, the words “and described in the [first, second] schedule hereto,”—and add a schedule or schedules at the end.

**FORM 43.—Instrument of Partition. (Rule 156.)**

(Heading as in Form 20.)

(*Date.*) We, A.B., of &c., C.D., of &c., and E.F., of &c., hereby transfer the respective lands shown and edged with red on the accompanying plans (*or* plan) signed by us (*or* on the plan attached hereto *or* endorsed hereon) and (thereon) marked X., Y., and Z. to the said A.B., C.D., and E.F. separately and respectively.

(To be executed as Form 20 by all parties.)

*Note.*—If preferred, the plan may be tinted in different colours, and the instrument altered to correspond therewith.

If it is desired that a particular verbal description of the land be entered in the Register, add after the word “plan” or “hereon,” as the case may be, the words “and described in the [first, second] schedule hereto,”—and add a schedule or schedules at the end.

**FORM 44.—Instrument of Charge. (Rule 158.)**

(Heading as in Form 20.)

(*Date.*) In consideration of        pounds (£        ) I, A.B., of &c., hereby charge the land comprised in the title above referred to with the payment to C.D., of &c., on the        of       , 19       , of the principal sum of £       , with interest at        per cent. per annum, payable [half yearly, quarterly] on the        of       , &c. in every year.

(To be executed as Form 20.)



*Note.*—Where the charge is made under section 9, subsection 6 of the Act of 1897, and deals with part only of the land comprised in a title, or is made under Rule 96, the number of the title must be left blank, and instead of the words “the title above referred to” a reference to the last preceding document of title containing a description of the land must be inserted.

Where the consideration is advanced by different persons in separate sums or does not consist, or wholly consist, of money, its nature, or the separate payments made, may be concisely stated.

The amount of the consideration should be stated in words, and repeated in figures—as, for instance, “three hundred and seventy pounds (£370).”

Where the charge is to two or more jointly, no addition need be made to the form.

Where the money is to be held in separate shares, the following variation may be used :—

After “payment to” insert “C.D., of &c., and E.F., of &c., on the of \_\_\_\_\_, 19\_\_\_\_, of the respective principal sums of \_\_\_\_\_ and with interest” &c., as in the above form.

Any of the following special stipulations may also be added at the end of the charge.

*A.—Stipulations negating the Covenants implied in charges by sections 23 & 24 of the Act of 1875.*

(1.) No covenant is hereby implied to pay the principal or interest secured by the charge.

(2.) No covenant is hereby implied as to payment of rent or performance or observance of the covenants or conditions of the registered lease, or as to indemnity in respect thereof.

*B.—Stipulations in charges excluding the provisions of sections 25 to 27 of the Act of 1875, and altering the priority of charges under section 28 of the same Act.*

(1.) The creditor shall have no power to enter on the land.

(2.) The creditor shall have no power to enforce foreclosure or sale of the land.

(3.) The creditor shall have no power of sale.

(4.) The creditor may exercise the power of sale without notice.

(5.) This charge shall rank *pari passu* with a charge of even date to of \_\_\_\_\_ to secure \_\_\_\_\_ or shall be the [first, second, third, &c., as the case may be] in order of priority of three charges of even date, one of which is to \_\_\_\_\_ of \_\_\_\_\_ to secure \_\_\_\_\_, another is to \_\_\_\_\_ of \_\_\_\_\_ to secure \_\_\_\_\_, and the other is this charge or shall have priority to a charge dated &c., registered &c., in favour of A.B. of &c., for \_\_\_\_\_ (or otherwise as the case may be).

*C —Miscellaneous Stipulations.*

(1.) The interest to be secured by the charge shall be reduced to \_\_\_\_\_ per cent. in every (half-year, quarter, &c.) in which it is paid within \_\_\_\_\_ days after it becomes due.

(2.) None of the principal secured by the charge shall be called in till the \_\_\_\_\_ of \_\_\_\_\_ 19\_\_\_\_ unless the interest shall fail to be paid within \_\_\_\_\_ days after it becomes due.

(3.) None of the principal secured by the charge shall be paid off till the \_\_\_\_\_ of \_\_\_\_\_ 19\_\_\_\_ unless the proprietor of the charge shall be willing to accept it.

(4.) If the interest secured by the charge shall be paid within \_\_\_\_\_ days after it becomes due the principal shall be payable by instalments of \_\_\_\_\_ each, to be paid on the \_\_\_\_\_ of \_\_\_\_\_ and the \_\_\_\_\_ of \_\_\_\_\_ in every year, the first of such instalments to be paid on the \_\_\_\_\_ of \_\_\_\_\_ 19 \_\_\_\_\_.

Provided that on failure of payment of any instalment within \_\_\_\_\_ days after it becomes due, the whole of the principal remaining owing on the said security shall become payable at once.

Provided nevertheless that the whole or any part (not less than \_\_\_\_\_ at any one time) of the above mentioned principal may be paid off on giving one calendar month's notice in writing of the intention to do so, and on paying up all arrears of interest that may be due at the time of such payment of principal.

**FORM 45.—Instrument of Charge by way of Annuity. (Rule 160.)**

(Heading as in Form 20.)

(Date.) I, A.B., of &c., hereby charge the land comprised in the title above referred to with the payment to C.D., of &c., of an annuity of \_\_\_\_\_ for \_\_\_\_\_ years (or during his life, &c.) payable [half-yearly, quarterly] on the \_\_\_\_\_ of \_\_\_\_\_ &c., in every year.

(To be executed as Form 20.)

*Note.*—If there is any consideration, it can be stated at the commencement as "To secure \_\_\_\_\_ part of the purchase money of the land comprised in the title above referred to" or "In consideration of an instrument of transfer of even date herewith of the land comprised in the title above referred to," &c., &c.

If only part of the land comprised in the title is charged, add after "land" the words "shewn and edged with red in the accompanying plan signed by me, being part of the land," &c.

If the charge is to secure a periodical payment which is not an annuity, the form may be varied accordingly.

**FORM 46.—Instrument of Charge to secure future advances. (Rule 160.)**

As Form 44, adding at the end, "and of every sum hereafter advanced by him with interest at the rate aforesaid, payable on the appointed days, and computed from the time of advancing the same."

**FORM 47.—Application to alter the terms of a Charge under Section 9 (5) of the Act of 1897. (Rule 165.)**

(Heading as in Form 20.)

(Date.) We, A.B., of &c. [registered proprietor of the land], C.D., of &c. [registered proprietor of the charge], and E.F., of &c. [registered proprietor of a charge of equal or inferior priority prejudicially affected], hereby apply to the Registrar to alter the terms of the charge dated (date), registered (date), against the title above referred to, as follows:—

(Fill in the proposed alteration.)

(To be executed as Form 20 by all parties.)

**FORM 48.—Instrument of Discharge of Registered Charge. (Rule 166.)**

(Heading as in Form 20.)

(Date.) I, A.B., of &c., hereby admit that the charge dated (date), and registered (date), of which I am the registered proprietor, has been discharged.

(To be signed by the registered proprietor of the charge, and attested.)

*Note.*—The discharge may be made as to part of the land only, by adding at the end “as to the land shown and edged with red on the accompanying plan, signed by me, being part of,” or as to part of the money only by adding “to the extent of .”

Where the charge was for future advances or for an indefinite amount there must be added to the discharge, for the purpose of stamp duty, a statement of the total amount or value of the money at any time secured.

**FORM 49.—Instrument of Transfer of Charge. (Rule 168.)**

(Heading as in Form 20.)

(*Date.*) In consideration of , I, A.B. of &c., hereby transfer to C.D., of &c., the charge dated (*date*), and registered (*date*), of which I am the registered proprietor. (*If part only of the money secured is transferred add: as to the sum of pounds £ .*)

(To be executed as Form 20.)

*Note.*—Where the charge is transferred to two or more as tenants in common, words to that effect should be added stating the sum transferred to each: *see note* to Form 20.

**FORM 50.—Instrument of Transfer and Discharge. (Rule 182.)**

(Heading as in Form 20.)

(*Date.*) In consideration of pounds (£ ) paid to A.B., of &c. [*the proprietor of the land*], and of pounds (£ ) paid to C.D., of &c., [*the proprietor of the charge*], the said A.B. hereby transfers to E.F., of &c., the land comprised in the title above referred to, and the said C.D. hereby discharges the same from the charge dated (*date*), registered (*date*), of which he is the registered proprietor, and from all liability in respect thereof.

(To be executed as Form 20 by A.B. and C.D.)

*Note.*—Where there are two or more charges to be discharged, the form may be altered as follows:—

After “C.D., of &c.,” insert “and pounds (£ ) paid to E.F. of &c.,” (*and so on, as to the proprietors of all the charges to be discharged*), and after “above referred to,” continue, “the said C.D. and E.F. hereby respectively discharge the same from the charges dated (*date*), and (*date*) (*and so on as to all the charges to be discharged*) registered (*date*), and (*date*) (*and so on*) of which they are the respective proprietors, and from all liability in respect thereof.”

**FORM 51.—Instrument of Assent to a Devise of Land under section 3 of the Act of 1897. (Rule 185.)**

(Heading as in Form 20.)

(*Date.*) I, A.B., of &c., as personal representative of the late C.D., of &c., hereby assent to the devise contained in the will of the said C.D. to E.F. of the land comprised in the title above referred to.

(To be signed by A.B. and attested.)

*Note.*—If the assent is to be subject to a charge for payment of money which the personal representative is liable to pay, or if the land devised is part only of the land comprised in the title referred to, the form may be varied accordingly.

**FORM 52.—Instrument of Appropriation of Land in satisfaction of a Legacy or Share in Residuary Estate under section 4 of the Act of 1897. (Rule 185.)**

(Heading and commencement as in last Form down to "hereby.")

With the consent of E.F., of &c., who is entitled to a legacy (or share in residuary estate) under the will of the said C.D., appropriate to the said E.F., the land comprised in the title above referred to, and certify that all proper notices under the 4th section of the Land Transfer Act, 1897, have been given, [and the requirements of the Rules of Court under the Land Transfer Acts have been duly complied with].

(To be signed by A.B. and E.F. and attested.)

*Note.*—If the land appropriated is part only of the land comprised in the title referred to, the form may be varied accordingly.

**FORM 53.—Notice of divesting of the estate of the Official Receiver or of a Trustee in Bankruptcy. (Rule 199.)**

**LAND REGISTRY.**

Land Transfer Acts, 1875 and 1897.

District \_\_\_\_\_

Parish \_\_\_\_\_

No. of Title \_\_\_\_\_

[No. of (or other reference to) Charge \_\_\_\_\_.]

(*Date.*) I, (A.B., of &c.) the official receiver (or trustee in the bankruptcy of C.D.) hereby give notice that by reason of [*describe the act, omission or order by reason of which the estate is divested*] my estate and interest in the land (or, charge) above referred to has been divested, and I hereby apply for entry of this notice on the Register according to Rule 199.

(To be signed by the Official Receiver or trustee.)

**FORM 54.—Application to enter Notice of an Estate in Dower or by the Curtesy. (Rule 207.)**

(Heading as in Form 20.)

I, A.B., of &c., being entitled to an estate in Dower (or by the Curtesy) in the land comprised in the title above referred to, by reason of [*state concisely the facts on which the claim depends*] hereby apply for registration of notice thereof.

(To be signed by the applicant and her (or his) solicitor.)

*Note.*—The application should be accompanied by evidence of the facts on which the claim depends.

**FORM 55.—Notice of Liability to Death Duty. (Rule 208.)**

The land is liable to such death duties as may be payable or arise by reason of the death of A.B. of &c., who died on the (*date*) (or by reason of a settlement created by deed dated, &c., or by reason of the determination of a lease dated, &c., or as the case may be).

**FORM 56.—Certificate of Non-liability to Death Duty. (Rule 210.)**

This is to certify that the land comprised in the title No. \_\_\_\_\_, may be registered without notice of any liability to death duty by reason of the death of A.B., of &c., and that any such notice already registered may be cancelled.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

*Note.*—If the Certificate is to apply to part only of the land comprised in the title, the words “shown and edged with red on the accompanying map, being part of the land,” should be inserted after the word “land.”

**FORM 57.—Entry restraining a disposition by a sole surviving Proprietor. (Rule 224.)**

(*Date.*) When the number of joint proprietors has been reduced to one no registered disposition of the land [or charge] shall be made except under an order of the Registrar, after an enquiry into title, or an order of the Court.

**FORM 58.—Caution (under the 53rd section of the Act of 1875) against Dealings with registered Land or a Charge. (Rule 226.)**

(Heading as in Form 53.)

(*Date.*) A.B. [*the cautioner*] of &c., requires that no dealing with the land (or charge) above referred to (or with the land shown and edged with red on the plan attached hereto) shall be had on the part of the registered proprietor until notice has been served upon him.

(To be signed by the cautioner or his solicitor.)

*Note.*—If the cautioner's address is not within the United Kingdom, an address for service within it must also be given.

**FORM 59.—Caution against the registration of a possessory or qualified title, as qualified or absolute. (Rule 226.)**

(Heading as in Form 53.)

(*Date.*) A.B. [*the cautioner*] of &c., requires that no application to register the land above referred to with a qualified or absolute title shall be proceeded with until notice has been served upon him.

(To be signed by the cautioner or his solicitor.)

*Note.*—If the cautioner's address is not within the United Kingdom, an address for service within it must also be given.

**FORM 60.—Notice to a person who has lodged a Caution. (Rule 229.)**

(Heading as in Form 53.)

*Notice.*—The caution lodged by you in this office on the (*date*), requiring that no dealing with the land (or charge) above referred to should be had on the part of the registered proprietor until notice had been served upon you, will cease to have any effect after the expiration of 14 days next ensuing the date at which this notice is served, unless an order to the contrary is made by the Registrar.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

**FORM 61.—Application to withdraw a Caution. (Rule 233.)**

(Heading as in Form 53.)

(*Date.*) I, A.B., of &c. [*the cautioner*] hereby apply to withdraw the Caution lodged in my name on the (*date*) against the title [or charge] above referred to.

(To be signed by the applicant or his solicitor.)

**FORM 62.—Inhibition where the Incumbent of a Benefice is the registered Proprietor of land. (Rule 237.)**

No disposition of the land shall be registered except on production of a certificate from Queen Anne's Bounty, the Board of Agriculture, or the Ecclesiastical Commissioners, in accordance with section 15 of the Land Transfer Act, 1897.

No lien shall be created by deposit of the land certificate.

**FORM 63.—Certificate under section 15 of the Act of 1897 as to a Disposition by the Incumbent of a Benefice. (Rule 239.)**

(To be endorsed on the instrument presented for registration.)

(Date.) This is to certify that the within-written (transfer, charge, &c.) is made under the provisions of [state the statute or other authority under which it is made] and is authorized thereby, and may be registered.

(To be sealed by Queen Anne's Bounty, or the Ecclesiastical Commissioners, as the case may be.)

**FORM 64.—Application to register a Restriction under section 58 of the Act of 1875, as amended by the Act of 1897. (Rule 240.)**

(Heading as in Form 53.)

(Date.) A.B., (the registered proprietor) of &c., hereby applies to the Registrar to enter the following restriction against the title (or charge) above referred to.

Restriction.—No disposition shall be registered without the consent of C.D., of &c. (or otherwise—see examples in Forms 6 to 13) or an order of the Registrar.

**FORM 65.—Application to withdraw or modify a Restriction. (Rule 240.)**

(Heading as in Form 53.)

(Date.) A.B., of &c., hereby applies to the Registrar to modify (or withdraw) the restriction registered on the (date), against the title (or charge) above referred to as follows:—[Fill in the proposed modification or in case of withdrawal omit the words "as follows."]

(To be signed by the applicant or his solicitor, and all other persons interested or their respective solicitors).

**FORM 66.—Land Certificate. (Rule 258.)**

LAND REGISTRY.

Land Transfer Acts, 1875 and 1897.

LAND



CERTIFICATE.

This is to certify that the freehold (or leasehold) land in the Parish of \_\_\_\_\_ and County of \_\_\_\_\_ (here fill in a short description of the land, or reference to the filed plan) is registered with absolute (qualified, good leasehold, or possessory) title under No. \_\_\_\_\_. Copies of the entries in the Register (and of the filed plan of the land) are within.

Dated the \_\_\_\_\_ of \_\_\_\_\_ 19 \_\_\_\_\_. (L.S.)

Note.—The description of the property to which the Certificate relates must be adapted to that by which it is described in the Register. When the registration is of a possessory title only, the Certificate is to contain the following notice: "The possessory title hereby certified does not affect or

"prejudice the enforcement of any estate, right or interest adverse to or in  
"derogation of the title hereby certified, which was subsisting or capable of  
"arising on the            day of            , being the date of first registration.

The form may be modified under special circumstances in such manner as the Registrar may deem necessary.

Where under Rule 271 a plan is not filed, the form shall be altered accordingly.

Cancelled entries need not be copied, but may be referred to as "cancelled" only.

**FORM 67.—Authority under Rule 286.**

(Heading as in Form 53.)

(Date.) I, A.B., of &c. (*the registered proprietor*), hereby authorize the bearer to apply at any time to the Registrar for information as to the entries in the Register of the title above referred to at the above date.

(To be signed by A.B.)

**FORM 68.—Official Certificate of result of Search. (Rule 289.)**

District \_\_\_\_\_

Parish \_\_\_\_\_

No. of Title \_\_\_\_\_

[Reference to charge or incumbrance .]

(Date.) In reply to an application, dated, &c., made by A.B., of &c., requiring a search to be made, whether [*&c., stating the effect of the application*] it is hereby certified that the search has been diligently made, with the following result:—

(Fill in result of search.)

**FORM 69.—Summons on application to the Court. (Rule 302.)**

In the LAND REGISTRY.

Title No.

Mr. Justice

Between A.B., Applicant, and C.D., Respondent.

Let all parties concerned attend the Judge in Chambers (Court No. Royal Courts of Justice, Strand, London) on the day named in the margin of this Summons, on the hearing of an application on the part of A.B., of &c. for the decision of the Court upon the question (*or questions*) referred to in the Statement, a copy of which is set forth in the Schedule, or annexed to this Summons.

Dated the            day of            19 . .

This Summons was taken out by            , of            , Solicitor for the Applicant [*or by the Applicant in person*].

To

(The Schedule above referred to.)

*Note.*—This Schedule will be a copy of the Statement settled and signed by the Registrar under Rule 300.

**FORM 70.—Certificate of Value. (Rule 330.)**

(Heading as in Form 1.)

I, A.B., of &c., am well acquainted with the land which is the subject of the (*describe the instrument or application which is being made*), and I certify that to the best of my judgment, knowledge, and belief, the present capital value thereof, together with all buildings and improvements, and timber (*if any*) does not exceed £            .

Dated the            . day of            19 . .





## PART II.

*Scale of Charges for (1) First Registration with Possessory Title and  
(2) Transfers, Charges, Exchanges, and Partitions of Registered Land or  
a Registered Charge.*

Value of land or amount of charge.	Scale of charges.
Not exceeding £1,000      ...      ...	10s. 6d. for every £100 or part of £100.
Exceeding £1,000 and not exceeding £20,000.	£5 5s. for the first £1,000 and £1 1s. for every subsequent £2,000 or part of £2,000.
Exceeding £20,000 and not exceeding £40,000	£15 15s. for the first £20,000 and £1 1s. for every subsequent £4,000 or part of £4,000.
Exceeding £40,000      ...      ...      ...	£21 for the first £40,000 and £1 1s. for every subsequent £10,000 or part of £10,000 up to a maximum of £26 5s.

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## MEMORANDUM on the Changes introduced by the Land Transfer Rules and Fee Order, 1903.

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On the first of January, 1904, New Rules and Fee Orders relating to the Land Transfer Acts, 1875 and 1897, will come into force.

These regulations introduce many changes into the practice under the Acts, the most important of which will probably be found to be the following:—

1. *Reduced Cost of Absolute Title.*—It will be remembered that the majority of titles now being entered on the general register for the County of London are registered with what is called Possessory Title only—a mode of registration which requires a considerable time to elapse before the full benefit of the registration is obtained. The proprietor can, however, if he wishes, apply for an Absolute Title—which confers an immediate Government Guarantee of validity, and removes at once and for good the principal causes of delay and expense on all transactions. In order to facilitate applications for Absolute Title as much as possible, the new Fee Order makes five alterations:—

- (1.) The fee is made to include all incidental costs—such as fees of counsel, searches, advertisements, &c., which were formerly borne by the applicant.
- (2.) The fee is divided into two portions, one of which is deferred, to be paid by instalments on future dealings by the persons who will participate in the benefit of the registration.
- (3.) In case the application is refused (a very rare occurrence) nearly the whole of the fee is returned.
- (4.) Where the land has already been registered, and the application is made immediately upon a dealing, the fee paid for the dealing is allowed for, with the result, in some cases, of leaving no immediate fee to be paid at all.

[Price 1d.]

- (5.) In values under £1,000, the deferred fee is remitted altogether where a Building Society, Friendly Society, or Industrial and Provident Society have already advanced more than half the value of the property.

These provisions are limited to counties where registration is compulsory on sale, it being obvious that in such counties the department is in a position of considerable advantage as regards the staff organisation and machinery required for the work, and therefore it is possible within those areas to offer facilities which in other places are impracticable. (Fee Order. Rule 7.)

The practical aspects of these regulations may be illustrated by the following examples:—

A purchaser of an unregistered London property, worth, say, £5,000, has in any case to pay in duty, law costs, and possessory registration fees a sum of about £84 5s. 0d., by way of expenses. Under the new regulations he can, for an additional fee of £6 0s. 0d., apply for absolute registration instead. No special abstract has to be prepared, or information collected. He merely produces the documents already in the hands of his legal adviser, and if (as is usual) they exhibit a good holding title, no further trouble or expense is incurred. In the event of failure, £5 10s. 0d. is to be returned.

If the value be £500, the necessary costs of the purchase are about £12 11s. 0d., the fee for absolute title is £2, of which, in the event of failure, £1 15s. is to be returned.

In a £50,000 case, the necessary costs are £455 10s. 0d., the Absolute Title fee £33 0s. 0d., with £32 0s. 0d. returnable in case of failure.

In the intermediate values the amounts are proportional to the above.

Where the property has already been registered with possessory title, and the application for absolute title takes place immediately on a dealing, the allowance of the fee paid on the dealing will result, at the values already selected as examples, in Absolute Title fees of £8 for £50,000 value; and Nil for £5,000 and £500.

*2. Effect of Six Years' Possessory Registration.*—Another rule—directed to the same purpose, namely, to facilitate the conversion of possessory titles into absolute—enables a proprietor of land which has been upwards of 6 years on the register, the proprietor who originally registered it having been a purchaser on sale, to apply for registration with absolute title on exceptionally favourable terms. The exact nature of the concessions to be made is left to the Registrar's discretion, and will, no doubt, vary according to the circumstances of each case, but as

a general rule, it would seem probable that the discretion given will be exercised in the way of avoiding enquiries of a kind which would involve the applicant in expense and trouble, giving weight to general considerations such as the possession of such of the earlier title deeds as the owner ought to hold, the quasi publicity afforded by the six years previous registration, the advertisement of the application, and the inference that the title was properly investigated by the purchaser who originally registered the land. (Rule 36.)

3. *Good Leasehold Title*.—Absolute Title to leasehold land includes a guarantee of the lessor's title to grant the lease, but as the lessee is very seldom in a position to produce proof of this, absolute titles to leasehold land are rare. The only alternative hitherto has been to register a qualified title expressly excepting the title of the lessor, or a possessory title. Neither of these appearing very satisfactory, the new Rules provide for a new kind of leasehold registration, namely, with "good leasehold title," the effect of which is the same as an absolute title, excepting only the lessor's title to grant the lease. Where a lease is brought for registration by the original lessee he will be entered with good leasehold title as a matter of course. The practical effect of such a title as regards sales will be the same as if an absolute title had been registered, because a purchaser of leasehold land has no right to enquire into the lessor's title, and as to the rest, the register is conclusive. (Rules 52 to 56.)

4. *Land Certificates*.—Where a building estate is being sold off in plots, it is no unfrequent thing for the vendor to offer what are called free conveyances to his purchasers. Hitherto there has been some practical difficulty in applying this practice to registered land. The new Rules enable an intending vendor to obtain Land Certificates made out in the names of his intended purchasers. These can be handed to them in exchange for their purchase moneys, leaving nothing further for them to do to complete their titles. If for any reason a sale is not completed as intended, the vendor can, within a limited time, return the certificate to the registry for cancellation. (Rule 157.)

5. *General Arrangement and Plan of the Rules*.—The general arrangement and plan of the Rules remain the same as before: the provisions required in ordinary cases appear at the beginning of each sub-division, and will be found to be few and simple. Cases of less frequent occurrence are dealt with in the later portions, and it is here that the principal increase in the bulk of the Rules has taken place.

6. *General Principle of the Fee Order*.—It may be pointed out with regard to the fees generally, that the Act of 1897 (sec. 20) requires that the Office shall pay its own expenses (including the annual contribution to the Insurance Fund) and no more. This provision has been observed. The same Act, in a schedule, fixed the scale of fees to be charged, subject to

alteration by Rule. The scale so fixed has never been raised, all the alterations introduced by Rules having been by way of reduction.

7. *Further details.*—The following references to actual passages in the Rules and Fee Order include those above noticed, and some others which are important to persons having frequent occasion to conduct business in the department. Complete tables are also appended showing the corresponding numbers of the new and old Rules.

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## RULES.

Rule 36, giving facilities for registration of an absolute title after six years' possessory registration founded on a purchase.

Rules 52 to 56, and 141, enabling a leaseholder who shows a good title to his lease, but who cannot show his lessor's title, to be registered with a "good leasehold title"—the effect of which for practical purposes, except that it does not guarantee the lease itself, will be the same as an absolute title.

Rules 83 to 86, removing an impediment that had occurred in regard to first registration of charity lands.

Rules 92 to 94, and 228 to 231, defining the practice under cautions.

Rules 95 and 117, enabling a temporary note (called a Priority Notice) to be placed on the register, securing priority for a few days for a specified intended registration or pending transaction.

Rules 97, 98, providing generally for variations in the forms of transfer, charge, &c., so as to remove all necessity for deeds off the register.

Rule 120, regulating the practice where a lease contains a stipulation that assignments and other dispositions are to be produced to and endorsed by the lessor.

Rule 157, which enables a vendor to deliver free Land Certificates to purchasers in exchange for their purchase moneys: Rule 174 applies the same principle to charges.

Rules 244 to 248, confirming the practice which has been adopted in regard to facilitating loans on equitable security, by registering notice of an intended deposit of Land Certificate, in cases where the Certificate is not in existence at the time when the loan is made.

Rule 259, simplifying the form of Certificates of Charge.

Rule 271, enabling registration to be completed provisionally without a plan in certain cases.

Rules 300 to 304, modifying the procedure on appeals to the Court.

Rule 336, dealing with Solicitors' costs—notably paragraph (B.) (i.), substituting a new scale for the present usual scale for conducting a registration with possessory title. The general effect of this alteration will be to diminish the fee in the case of the lower values (£1,000 and under), the reduction being compensated for by allowing somewhat higher fees in the case of large properties. By a re-arrangement of some of the sub-clauses the meaning of the existing Rule is also made clearer.

In Forms 6 to 12 and 22 to 27 the restrictions and instruments relating to settled land have been re-modelled.

The Form (66) of the Land Certificate has received a modification adapting it to re-issue on a change of proprietor.

#### FEE ORDER.

Rule 7, in the great majority of cases, reduces the initial cost of obtaining an absolute title to £2 for the first £1,000 in value, plus £1 for the second and every subsequent £1,000 up to a maximum of £33 for over £31,000. These sums will include all incidental costs. Where the application is made on a dealing with registered land, the fee paid on the dealing will be allowed for. If an absolute title is not granted, the fee paid (except a small proportion retained for the original entry of the application) will be returned. All these features are new.

The difference between the full fee for absolute title and the reduced amounts above stated is afterwards made up by fees payable on future dealings by the purchasers and others who obtain the benefit of the absolute title.

In the case of values under £1,000, where advances have been made by Building Societies, Friendly Societies, or Industrial and Provident Societies, the deferred fees are remitted altogether.

The practical effect of the new Rule is to enable every purchaser in London, for a small additional outlay on completion, to obtain an absolute title—after which large economies are effected on future dealings.

Paragraph B reduces the fees payable for registering deaths, gifts, and other transactions where value is not exchanged, to one-sixth of the usual fee (instead of one-fourth as at present), with a maximum of £2 (instead of £5).

In paragraphs G, H, I, and J of the Order, a large number of minor incidental fees are either reduced or remitted. No fees are increased.

Rule 6 replaces Rule 78c of the existing Rules. The time within which an instrument can be registered at the reduced fee is altered from 14 days from the date of execution of the conveyance to seven days from the first registration of the land. This alteration will considerably increase the number of cases to which the reduced fee will apply.

The existing Rule 17 is omitted. It is replaced by new Rule 23. The new Rule provides specifically for the particular case of hardship for which the former Rule (which was unnecessarily wide in its application) provided an indirect remedy.

Table showing the Numbers of the Rules of 1898, June, 1899, and February, 1903, with the corresponding Numbers of the new Rules.

RULES.					
Old.	New.	Old.	New.	Old.	New.
1†	1	16	17	31°	36
2	2	17°	18, 253	32†	37
3	3	18°	19, 20, 21, 22, 23.	32A	38
4	4	19°		33	39
5†	5	20	24	34	40
6†	6	21	25	35	41
7	7	22	26	36	42
8	8	23°	27	37	43
9	9	24	28	38	44
10	10	25	30	39	45
11	11	26	31	40	46
12	12	27	32	41	47
13†	13	28	33	42	49
14	14	29	34	43†	50
15	15	30	35	44†	51

\* With considerable modifications.

† With slight modifications.

Old.	New.	Old.	New.	Old.	New.
45	52	72A	83	96	145
46	53	72B	84	97†	146
47	54	72C	85	98	147
48	55	73	87	99	148
49°	56, 58	74	88	100	149
50	60	75	89	100A	150
51	61	76	90	101	151
52†	62	77	91	102	153
53†	63	78°	96	103	154, 155
54	64	78A*		104	
55	65	78B*		105	
56	66	79	126	106°	158
57	67	80	127	107	97, 98
58	68	81	128	108	160
59°	69	82	129	109	162
60	70	83	130	110	164
61	71	84	131	111	165
62	72	85	132	112	166
63†	73	86°	133	113	167
64	74	87†	134	114	168
65	75	88†	135	115°	169
66†	76	89†	136	116	170
67°	77	90	137	117	171
68	78	91	138	118	172
69†	79	92	140	119	173
70†	80	93	142	120	174
71†	81	94	143	121	175
72	82	95	144	122†	176

\* With considerable modifications.

† With slight modifications.



Old.	New.	Old.	New.	Old.	New.
123†	177	150	101	175	212
124	178	151	102	176	213
125°	179	152†	103	177	214
126†	181	153†	104	178*	215
127	182	154	105	179	216
128	183	155†	106	180	217
129	184	156	107	181°	218, 219, 220, 221, 222.
130	185	157	108	182°	
131†	186	158†	109	183°	
132†	187	159†	110	184°	223
133	188	160°	111, 112, 113	185°	224
134	189	161°		186°	
135	190	162	119	187	225
136°	191	163	121	188	226
137	192	163A*	122	189	227
138	193	164†	123	190°	228, 229
139	194	165	124	191	232
140	195	166	201	192	233
141	196	166A	202	193	242
142	197	167	204	194	234
143	198	168	205	195	235
144	199	169†	206	196†	240
145	200	170	207	197	237
146°	{ 97	171	208	198	238
147°		172	209	199	239
148	99	173	210	200†	243
149	100	174†	211	201°	249

\* With considerable modifications.

† With slight modifications

Old.	New.	Old.	New.	Old.	New.
202†	250	228	293	254A	320
203	252	229	294	255	321
204°	} 258, 259	230	295	256†	322
204A*		231	296	257†	323
205†		232	297	258	324
206°	262	233	16, 298	259	325
207°	263	234†	299	260	326
208	264	235°	} 300, 301	261	327
209	269	236°		262	328
210	270	237°	} 302, 303, 312	263°	{ Fee Order, R. 1, 2, 3
211	272	238°		264†	
212	273	239°	304	265	330
213°	274	240	305	266	331
214	275	241	306	267	332
215	276	242	—	268	333
216	277	243	307	269	334
217	278	244	308	270°	335
218	279	245	309	271°	336
219	280	246	310	272	337
220	281	247	311	273†	338
221°	282	248	313	274	339
222°	{ 284, 285, 286, 287	249	314	275°	340
223		250	315	276	341
224	289	251	316	277°	343
225†	290	252	317	278	—
226	291	253	318	279°	344
227	292	254	319	280°	345

\* With considerable modifications.

† With slight modifications.

## FORMS.

Old.	New.	Old.	New.	Old.	New
1	1	24	29	46	51
2	2	25	30	47	52
3	3	26	31	48	53
4	4	27	32	49	54
5†	5	28	33	50	55
6°	6 to 12	29	34	51	56
7°		30	35	52	57
8°		31°	36	53	58
9°		32°	37	54†	59
10°		33	38	55	60
11°	14	34	39	56	61
12†	15	35	40	57†	64
13	16	36 (note†)	41	58	65
14 (note†)	20	37	42	59	62
15	21	38	43	60	63
16°	22 to 27	39 (note†)	44	61	66
17°		40	45	62	—
18°		41	46	63	68
19°		42	47	64†	69
20°		43 (note†)	48	65	70
21°		44 (note†)	49	66	71
22°		45	50	67	72
23	28				

\* With considerable modifications.

† With slight modifications.

Table showing the Numbers of the proposed new Rules, with the corresponding Numbers of the Rules of 1898, June, 1899, and February, 1903.

RULES.					
New.	Old.	New.	Old.	New.	Old.
1	1†	25	21	49	42
2	2	26	22	50	43†
3	3	27	23°	51	44†
4	4	28	24	52	45
5	5†	29	New	53	46
6	6†	30	25	54	47
7	7	31	26	55	48
8	8	32	27	56	49°(part)
9	9	33	28	57	New
10	10	34	29	58	49 (part)
11	11	35	30	59	New
12	12	36	31°	60	50
13	13†	37	32†	61	51
14	14	38	32A	62	52†
15	15	39	33	63	53†
16	New	40	34	64	54
17	16	41	35	65	55
18	17°	42	36	66	56
19	18,° 19°	43	37	67	57
20		44	38	68	58
21		45	39	69	59°
22		46	40	70	60
23		47	41	71	61
24	20	48	New	72	62

\* With considerable modifications.

† With slight modifications.

New.	Old.	New.	Old.	New.	Old.
73	63†	99	148	126	79
74	64	100	149	127	80
75	65	101	150	128	81
76	66†	102	151	129	82
77	67°	103	152†	130	83
78	68	104	153†	131	84
79	69†	105	154	132	85
80	70†	106	155†	133	86°
81	71†	107	156	134	87†
82	72	108	157	135	88†
83	72A	109	158†	136	89†
84	72B	110	159†	137	90
85	72C	111	160°	138	91
86	New	112		139	New
87	73	113		140	92
88	74	114	New	141	New
89	75	115	New	142	93
90	76	116	New	143	94
91	77	117	New	144	95
92	New	118	161°	145	96
93	New	119	162	146	97†
94	New	120	New	147	98
95	New	121	163	148	99
96	78*	122	163A°	149	100
	78A*	123	164†	150	100A
97	107*, 146°, 147.*	124	165	151	101
98		125	264°(part)	152	New

\* With considerable modifications.

† With slight modifications.

New.	Old.	New.	Old.	New.	Old.
153	102	180	New	207	170
154	103, 104	181	126†	208	171
155		182	127	209	172
156		183	128	210	173
157	New	184	129	211	174†
158	106°	185	130	212	175
159	New	186	131†	213	176
160	108	187	132†	214	177
161	New	188	133	215	178°
162	109	189	134	216	179
163	New	190	135	217	180
164	110	191	136°	218	181,° 182,° 183°
165	111	192	137	219	
166	112	193	138	220	
167	113	194	139	221	
168	114	195	140	222	
169	115°	196	141	223	184°
170	116	197	142	224	185, 186°
171	117	198	143	225	187
172	118	199	144	226	188
173	119	200	145	227	189
174	120	201	166°	228	190*
175	121	202	166A	229	
176	122†	203	New	230	New
177	123†	204	167	231	New
178	124	205	168	232	191
179	125°	206	169†	233	192

\* With considerable modifications.

† With slight modifications.

New.	Old.	New.	Old.	New.	Old.
234	194	261	New	288	223
235	195	262	206°	289	224
236	New	263	207°	290	225†
237	197	264	208	291	226
238	198	265	New	292	227
239	199	266	New	293	228
240	196†	267	New	294	229
241	New	268	New	295	230
242	193	269	209	296	231
243	200†	270	210	297	232
244	New	271	New	298	233
245	New	272	211	299	234†
246	New	273	212	300	235,° 236°
247	New	274	213°	301	
248	New	275	214	302	237°(part)
249	201°	276	215	303	237 (part)
250	202†	277	216		238°
251	New	278	217	304	239°
252	203	279	218	305	240
253	{ Part new, Part 16.	280	219	306	241
		281	220	307	243
254	New	282	221°	308	244
255	New	283	New	309	245
256	New	284	222°	310	246
257	New	285		311	247
258	{ 204,° 204A,* 205.°	286	222*	312	237°(part)
259		287		313	248
260	New				

\* With considerable modifications.

† With slight modifications.

New.	Old.	New.	Old.	New.	Old.
314	249	325	259	336	271°
315	250	326	260	337	272
316	251	327	261	338	273†
317	252	328	262	339	274
318	253	329	264† (part)	340	275°
319	254	330	265	341	276
320	254A	331	266	342	New
321	255	332	267	343	277°
322	256†	333	268	344	279°
323	257†	334	269	345	280°
324	258	335	270°		

## FORMS

New.	Old.	New.	Old.	New.	Old.
1	1	13	New	25	16° to 22°
2	2	14	11°	26	
3	3	15	12†	27	
4	4	16	13	28	23
5	5†	17	New	29	24
6	6° to 10°	18	New	30	25
7		19	New	31	26
8		20	14(note†)	32	27
9		21	15	33	28
10		22	16° to 22°	34	29
11		23		35	30
12		24		36	31°

\* With considerable modifications.

† With slight modifications.



New.	Old.	New.	Old.	New.	Old.
37	32°	49	44(note†)	61	56
38	33	50	45	62	59
39	34	51	46	63	60
40	35	52	47	64	57†
41	36(note†)	53	48	65	58
42	37	54	49	66	61
43	38	55	50	67	New
44	39(note†)	56	51	68	63
45	40	57	52	69	64†
46	41	58	53	70	65
47	42	59	54†	71	66
48	43(note†)	60	55	72	67

\* With considerable modifications.

† With slight modifications.

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